

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

4
5 UNITED STATES OF AMERICA,)

6 Government,)

7 vs.) No. 6:14-cr-00482-MC-1

8 DANIEL STEPHEN JOHNSON,)

9 Defendant.)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 EUGENE, OREGON

13 Thursday, May 3, 2018

14 Day 4, Afternoon Session

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PROCEEDINGS

Thursday, May 3, 2018, at 12:35 p.m.

THE COURT: Go ahead and bring your witness in.

(JURY IN.)

THE COURT: Please be seated everybody. Mr. ESX I will have you continue standing, and will be sworn in.

ES XXXXXXXXXXXXXXXX,

produced as a witness, having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes.

COURT CLERK: Please be seated. State your name in the record, spelling your first and last.

THE WITNESS: My name is ES XXXXXXXX.

(NOTE: Unless otherwise indicated, all answers represented by "A" and "THE WITNESS" will be answers given by the witness through the interpreter after translation.)

DIRECT EXAMINATION

BY MR. SINHA:

Q And do people call you ES XXX?

A Yes.

Q And may I call you ES XXX?

A Yes.

1 Q So ES XXX, could you tell us what your birthday is,
2 please?

3 MR. WEINERMAN: Judge, can we ask the interpreter to
4 move the mic a little closer.

5 THE INTERPRETER: I will hold it, Your Honor.

6 THE COURT: Folks, I want to thank you, everybody,
7 for your patience this morning. These things happen, and we
8 understand. So I appreciate it.

9 Go ahead, Counsel.

10 MR. SINHA: Thank you, Your Honor.

11 THE WITNESS: I was born on January 30, 1997.

12 Q BY MR. SINHA: So ES XXX, I am going to show you a few
13 pictures today. And when I show them, they are going to
14 appear on a screen down in this corner (indicating).

15 So the first I am going to show you is Exhibit 148.

16 MR. SINHA: That, I think, has been admitted, and I
17 would ask it to be published, please.

18 Q BY MR. SINHA: So ES XXX, can you tell me what this is,
19 please?

20 A It's a passport.

21 Q Who's passport is it?

22 A It's mine.

23 Q And looking at it, can you see the date of birth on this
24 passport?

25 A I do.

1 Q And does the date of birth correctly state that your
2 date of birth was XXXXXXXXXXXXX, of 1997?

3 A Yes.

4 MR. SINHA: We can take that down. Thank you.

5 Q BY MR. SINHA: ES XXX do you have any siblings at all?

6 A Yes, I have six siblings.

7 Q And is one of your siblings LS X?

8 A Yes.

9 Q And I am not great at math, but my understanding is LS X
10 is about five years younger than you; is that right?

11 A Six.

12 Q Six years younger than you?

13 A Yes.

14 Q Where were you born?

15 A Kompot Chen.

16 Q And I am sorry?

17 A Kompot Chen, Turey Ler.

18 THE INTERPRETER: It's T-U-R-E-Y and then L-E-R.

19 Q BY MR. SINHA: And, ES XXX is that in Cambodia?

20 A Yes.

21 Q And that's where LS X was born, also?

22 A Yes.

23 Q And what did your parents do for a living?

24 A My mom, purchasing recyclables.

25 Q What about your father?

1 A He is unemployed.

2 Q Where do you live, currently?

3 A Well, right now I am staying at a hotel, but over there,
4 I was at the rental place in Phnom Penh.

5 Q And outside of coming here for this trial, you usually
6 live there Phenom Penh?

7 A Yes.

8 Q And I know you are employed. What do you do for a
9 living?

10 A I am an English teacher.

11 Q And how long have you done that?

12 A Six months.

13 Q And even though you speak English, you are testifying in
14 Khmer today because that's your native language; is that
15 correct?

16 A Yes.

17 Q ES XXX, I want to talk to you about some place that you
18 left after you moved away from your parents' home called Hope
19 Transition Center. Do you know how old you were when you
20 moved to Hope Transition Center?

21 A 13.

22 Q And did LS X move over there with you?

23 A Yes.

24 Q And so LS X would have been somewhere around seven years
25 old?

1 A Yes.

2 Q Do you know what year it was that you moved to Hope
3 Transition Center?

4 A 2009.

5 Q And then do you know when you stopped living at Hope
6 Transition Center?

7 A 2012.

8 Q If I told you that it might have been 2013 when Daniel
9 was arrested, would that change your answer?

10 A I left there after he was arrested.

11 Q So if he was arrested in 2013, you probably lived there
12 from 2009 to 2013? Does that seem right?

13 A I am not sure what year it was, but to me, I think it
14 was in 2012 when he was arrested.

15 Q But you left there after he was arrested?

16 A Yes.

17 Q Why did you move -- why did you and LS X move to Hope
18 Transition Center?

19 A One of the neighbors saw that we were poor, and that
20 neighbor wanted to take us to live at that center.

21 Q What were the benefits of living at a center?

22 A If we were to live at our village, we couldn't go to
23 school. So to be at a center, we could.

24 Q And is it your understanding that it's common in
25 Cambodia for children of poor families to live at centers?

1 A Yes.

2 Q So I am going to talk to you a little bit about what an
3 average day at Hope Transition Center was like for you. So
4 could you tell us an average weekday during the time you
5 lived there, what types of things did you do?

6 A I read, I played ball.

7 Q Okay. What kind of ball did you play?

8 A Volleyball.

9 Q Did you do any chores?

10 A Yes, cleaning in the house and around the house.

11 Q And were you going to school at the time?

12 A Yes.

13 Q I am going to show you some pictures and ask you if -- a
14 couple of questions about each one. So they will come up on
15 the screen, and the first one I would like to show --

16 MR. SINHA: And I will note these are Exhibits 33
17 through 41. And I believe these have been admitted, and I
18 would ask to publish them to the jury, please.

19 THE COURT: They will be published.

20 Q BY MR. SINHA: This is 33. ES XXX, who is this in this
21 photograph?

22 A That's my picture.

23 Q Do you know about how old you were when this photo was
24 taken?

25 A 13.

1 Q Were you living at Hope Transition Center around this
2 period of time?

3 A Yes.

4 Q Do you know where you were standing when this photograph
5 was taken?

6 A At the first house.

7 Q And I am going to show you all three houses, so we will
8 talk a little about that. Let's look at the next photograph,
9 Exhibit 34.

10 So ES XXX, what are we looking at here?

11 A That's me.

12 Q And who is that with you?

13 A D.

14 Q And is that a name that you know Daniel Johnson by?

15 A Yes.

16 Q Do you recall who took this photograph?

17 A I don't remember.

18 Q Let's go to 35, please. ES XXX, is this you, as well?

19 A Yes.

20 Q Was this at Hope Transition Center?

21 A Yes.

22 Q Which house was this one at?

23 A It was the first one.

24 Q Do you know what you are doing in this photograph?

25 A Open a present.

1 Q Let's go to 36, please. So ES XXX, this is you again, I
2 think. Could you tell us how old you are in this one?

3 A I think around 14 or 15.

4 Q Let's go to the next one, please. ES XXX, who is this
5 in this photograph?

6 A Me.

7 Q And is that Daniel Johnson with you?

8 A Yes.

9 Q So where are you guys in this photo?

10 A It was at the province to dig wells, and things like
11 that.

12 Q And what is happening in this photo, if you know?

13 A I don't remember.

14 Q Let's go to the next one, please. And then this looks
15 like it may be on Christmas. Is this you at Hope Transition
16 Center?

17 A Yes.

18 Q Let's go to the next one, please. And this is
19 presumably also you. Was this at a time when you were at
20 Hope Transition Center?

21 A Yes.

22 Q Let's do the next one. ES XXX, is this you at Hope
23 Transition Center?

24 A Yes.

25 Q And then this is the last one of this group. This is

1 Exhibit 41, please. So ES XXX, where is this, and when is
2 this?

3 A That was at SPECA, S-P-E-C-A. That's after the arrest
4 and they transferred us to a different place.

5 Q And who is this standing with you?

6 A Her name is Celena.

7 Q How did you meet her?

8 A At that time -- well, she was one of the guests, and she
9 came to visit. And she came at the time that he was
10 arrested.

11 Q So she came to visit, do you mean she came to visit the
12 Hope Transition Center, or somewhere else?

13 A She came with a group of people to visit at the Hope
14 Transition Center, but then he got arrested. And then after
15 that, they sent her back to her country. But then before she
16 left, she came to visit us at the SPECA or SPECA center.

17 Q And when you say he got arrested, you are referring to
18 Daniel Johnson?

19 A Yes.

20 Q Let's look at Exhibit 271, which I believe has been
21 admitted, and I would ask to be published.

22 Do you know what this is that you are looking at,
23 ES XXX?

24 A It's a -- the first house.

25 Q Let's look at 272, which I believe has also been

1 admitted and I ask to be published. What about this one?

2 A It's a second home.

3 Q If I could see Exhibit 139, also admitted, and I would
4 ask for that to please be published.

5 What is this?

6 A The third house.

7 Q So ES XXX, I want to talk to you a little bit more about
8 your time at Hope Transition Center. It looks like you were
9 there for about four years.

10 Where did you sleep when you were there?

11 A In a room.

12 Q Where was that room located?

13 A Upstairs.

14 Q Did you ever sleep in anyone else's room when you were
15 there?

16 A Well, it was a big room, and so there were like ten
17 beds, and there were bunk beds. So we kind of slept there.

18 Q Did you ever spend any time in Daniel Johnson's room at
19 Hope Transition Center?

20 A Sometime during the day, we went to -- we went into his
21 room to watch TV and things like that.

22 Q ES XXX, I want to talk to you about some things that may
23 be uncomfortable to talk about. And these are things that
24 may have happened at Hope Transition Center.

25 Do you know what things I am talking about?

1 A I do.

2 Q Do you want to tell me what those things are, and I will
3 ask you a few questions about them?

4 A I don't know what to say, what word to say, so can you
5 just ask me the questions?

6 Q Sure. Yeah. ES XXX, while you were living at Hope
7 Transition Center, did Daniel Johnson ever do anything to you
8 that made you feel uncomfortable?

9 A Yes.

10 Q And were those things sexual in nature, or not sexual?

11 A True.

12 Q Were those things that he did to you sexual things?

13 A Yes.

14 Q Where did the things, the sexual things that he did to
15 you, take place?

16 A In his room.

17 Q And that was at the center?

18 A Yes.

19 Q And did they take place during the day or at night or
20 both?

21 A Sometimes it was during the day, sometimes it was at
22 nighttime.

23 Q And how often did those things take place?

24 A Not often.

25 Q Were there things of a sexual nature that Daniel Johnson

1 made you do to him?

2 A He made me play with him, and then he played with me.

3 Q And when you said you played with him and he played with
4 you, are you talking about touching each other's penises?

5 A Yes.

6 Q And was that skin-on-skin contact?

7 A Yes.

8 Q ES XXX, was there ever an instance in which Daniel
9 Johnson touched your penis with anything other than his hand?

10 A Mouth.

11 Q Was there ever an instance in which Daniel Johnson had
12 you touch his body with your penis?

13 A I don't know, I'm not sure.

14 Q Were there ever times where your penis -- where Daniel
15 Johnson had you touch his butt with your penis?

16 A (Witness nods head.)

17 MR. SINHA: I am going to note that the witness is
18 nodding.

19 THE COURT: I need to have you answer out loud.

20 THE WITNESS: Yes.

21 Q BY MR. SINHA: When that happened, was that skin-on-skin
22 contact?

23 A Yes.

24 Q ES XXX, did Daniel Johnson ever touch your butt with his
25 penis?

1 A Yes.

2 Q Was there penetration?

3 A He tried, but he couldn't.

4 Q How did it feel when he tried?

5 A It was painful, but I just -- it was just impossible,
6 because he was an adult and I was a child.

7 Q It was impossible for you to resist him?

8 A No, it was not like that. Because you were asking
9 earlier if it was painful, and I said it was. And you asked
10 if the penetration could take place, and I said it was
11 impossible because --

12 Q Because you were much smaller than him?

13 A Yes.

14 Q And he was a full-grown man?

15 A Yes.

16 Q How soon after you moved to Hope Transition Center, did
17 these things start happening?

18 A At the first week.

19 Q And did they continue until pretty close to the time of
20 Daniel Johnson's arrest?

21 A Yes.

22 Q ES XXX, during the period that these things were
23 happening, did you feel like you could make Daniel Johnson
24 stop doing these things to you?

25 A What do you mean by stopping?

1 Q Do you feel like you had the power to say, No, I don't
2 want to do these things with you, to him?

3 A I did that, but I still couldn't win.

4 Q Why was that?

5 A Because he was like dad, and I was a child, how could I
6 win?

7 Q Were you scared of Daniel Johnson?

8 A Yes.

9 Q Why were you scared of him?

10 A It's because of his expression, his face, kind of mean.

11 Q Did he ever hit you or anything?

12 A Yes.

13 Q How did he hit you?

14 A He slapped me.

15 Q What types of things would he slap you for?

16 A One day somebody gave me a shirt. That person bought me
17 a shirt, and I took it, and then he slapped me because he
18 said -- well, he said, because I don't have the ability to
19 buy you clothes, or something like that.

20 Q Were there ever times when Daniel Johnson wanted you to
21 engage in sexual activity, and you resisted and he did
22 something physical to you to make you engage in sexual
23 activity?

24 A Well, truthfully, he never used his -- physical, but in
25 short, he was really good with his -- he was really good in

1 terms of using his psychological way.

2 Q What types of things would he do, to use his
3 psychological way?

4 A It's hard to say, because he did this since we were so
5 young, so he would just say something and you just went on
6 your own.

7 Q He would tell you -- he -- do you feel like Daniel
8 Johnson trained you and other boys?

9 A I don't think he trained, he would just do it like that.
10 He was just that kind of person with that kind of behavior.

11 Q Was there ever an instance in which you recall Daniel
12 Johnson grabbing your hair?

13 A I know that he grabbed my hair, but I don't know when.

14 Q ES XXX, you said that you were -- I believe that you
15 said that you had some fear towards Daniel Johnson?

16 A Yes.

17 Q Did you having fear towards him, was that one of the
18 reasons that he was able to get you to engage in sexual
19 activity? -- let me reask the question, I am sorry.

20 Was the fear you had of Daniel Johnson one of the
21 reasons why you engaged in sexual activity with him?

22 A Well, according to the truth, I mean, we had done this
23 since we were young, and so -- and even when you refused, it
24 didn't do you any good. So why continue to refuse.

25 Q What happened when you refused?

1 A He continued to do it. Like yanking on your arms or
2 your shoulders.

3 Q ES XXX, was there ever a point at which Daniel Johnson
4 touched your mouth with his penis?

5 A Yes.

6 Q Where were his hands when that was happening?

7 A I don't know. I don't remember.

8 Q About how many times a week did these things happen?

9 A I didn't count. I don't know.

10 Q Did they happen more than three times a week, or less
11 than three times a week, usually?

12 A Under.

13 Q But they were happening for the whole time you were at
14 Hope Transition Center, more or less?

15 A Yes.

16 Q While you were living at Hope Transition Center, did you
17 ever receive any gifts or money or food from Daniel Johnson
18 that you thought was the result of sexual activity with him?

19 A Please rephrase your question.

20 Q Sure. Did you feel like Daniel Johnson treated you and
21 other boys who he was engaged in sexual activity with better,
22 sometimes? Just in terms of giving you extra money, or
23 special food, or not making you do chores, or giving you
24 gifts?

25 A No, he provided the same equally to everybody.

1 Q ES XXX, while this was going on, what were your feelings
2 towards Daniel Johnson?

3 A You mean at the beginning or recently?

4 Q At the beginning.

5 A What did you ask? I forgot your question.

6 Q When you were living at Hope Transition Center, how did
7 you feel about Daniel Johnson?

8 A He had good points about him, but then that one point,
9 but it was really a terrible -- and I hate him for that.

10 Q While you were living at Hope Transition Center, did
11 Daniel Johnson ever threaten you?

12 A When I did something wrong.

13 Q What did he threaten you with? Let me rephrase that.

14 What did he threaten to do?

15 A He used to take the spatula, the plastic spatula,
16 hitting me.

17 Q Did he ever kick you out of the Hope Transition Center?

18 A He didn't kick. He just chasing me out a couple times.

19 Q Did he lock you out?

20 A No, he didn't do that. He just told you to go back to
21 your hometown.

22 Q And when he would tell you those things, did you find
23 that upsetting?

24 A No, I was not upset. It was fine. If I didn't come
25 back, it was okay, too.

1 Q Were you ever worried about LS X -- were you worried
2 about LS X while you were at the Hope Transition Center?

3 A I was worried about him, of course. But you know,
4 because he was younger than me -- I mean, he's younger than
5 me and he's small. But I didn't know what to do, because I
6 could not even take care -- solve my own problems, so how
7 could I help him?

8 Q Are you referring to LS X telling you -- what are you
9 referring to that was happening to LS X?

10 A What happened to me, happened to him, the same thing,
11 because he told me.

12 Q Were you aware of any of the other boys at Hope
13 Transition Center being sexually abused by Daniel Johnson?

14 A I cannot say, but the only thing that I know was about
15 my brother.

16 Q And that was because he told you?

17 A Yes.

18 Q Did you ever tell anyone about what Daniel Johnson was
19 doing to you during -- let me start this again.

20 While you were living at Hope Transition Center, did
21 you ever tell anyone about what Daniel Johnson was doing to
22 you?

23 A Yes.

24 Q Who did you tell?

25 A Sopheak.

1 Q And is that the person I would refer to as Pastor
2 Sopheak? Is that the right name?

3 A Yes.

4 Q Do you recall what you told Pastor Sopheak?

5 A I told him some. I didn't tell him in depth.

6 Q Do you recall whether you told him about LS X?

7 A I just told him that it happened to my brother, also.

8 Q Do you know what Pastor Sopheak did after you told him?

9 A What I know and I heard, he went into D's room and
10 screamed at him.

11 Q And when you say D, do you mean Daniel Johnson?

12 A Yes.

13 Q And how do you know that Pastor Sopheak screamed at
14 Daniel Johnson?

15 A I was standing in front of the window, and he was --
16 they were in the room. But because he screamed so loud, I
17 could hear him.

18 Q Did you make out the conversation they were having?

19 A I didn't hear what he said when he was talking. I
20 couldn't hear him. I only could hear him screaming.

21 Q After you heard Pastor Sopheak scream at Daniel Johnson,
22 did Daniel Johnson abuse you anymore?

23 A No, that was toward the end already. It was at the
24 third house.

25 Q And then how long after that, about, was it that Daniel

1 was arrested?

2 A It was like three or four days.

3 Q If I told you it was a little bit longer, a few weeks,
4 would you think that would be accurate?

5 A I am not sure.

6 Q ES XXX, after Daniel's arrest while he was in jail in
7 Cambodia, did you communicate with him?

8 A At first, no. But then somebody sent a message saying
9 that he wanted to meet with me.

10 Q And did you meet with him?

11 A Yes.

12 Q And what -- did you meet with him at the jail?

13 A Yes.

14 Q What did he tell you when you were there?

15 A At that time, I don't know. I mean, he didn't accept
16 what he did wrong, and he -- and he wanted me to talk to my
17 brother, not to talk to the police.

18 Q And the brother you are referring to there is LS X?

19 A Yes.

20 Q Did you know why he didn't want LS X to talk to the
21 police?

22 A Well, because he did those kind of acts onto him. So
23 why would he want the kid to say anything bad about him.

24 Q Did he want LS X to tell lies to the police, or did he
25 not want him to talk to the police?

1 A Lie.

2 Q Do you know what he wanted LS X to lie to the police
3 about?

4 A He just said not to say anything about what had
5 happened, but just to talk about something else.

6 Q Just so I understand, Daniel said that LS X should not
7 say anything about what had happened, and that LS X should
8 talk about something else to the police; is that correct?

9 A Yes.

10 Q While Daniel was in jail, did he ever give you money for
11 anything?

12 A At that time, I failed the exam, and so I asked for the
13 money, \$500, to pay. And it was 9th grade.

14 Q And ES XXX, do you recall whether it was -- I think you
15 previously said it was \$300, but was it \$500 or \$300?

16 A Well, it was three, but the teacher wanted 500, so I
17 didn't pay.

18 Q Did you give all that money back to Daniel?

19 A I gave him back 100.

20 Q ES XXX, do you recall whether you communicated with
21 Daniel on Facebook while Daniel was in jail?

22 A Yes.

23 Q And I know we spoke the other day, and I showed you some
24 of the Facebook messages that you had back and forth. And I
25 can show them to you again, but if I told you that you were

1 having Facebook messages back and forth with Daniel up to
2 October 26th of 2014, would that seem about right to you?

3 A Yes, in 2014 we were sending messages asking to see how
4 he was doing.

5 Q So ES XXX, I know you have spoken to a few different
6 people since Daniel's arrest. And I know that sometimes you
7 haven't told the people you were talking to everything that
8 you have told us today. And I know that sometimes you have
9 told people that things didn't happen with Daniel. And I
10 know that sometimes, I think one time, you gave a little bit
11 more detail than you have told us today. So I just want to
12 go through and talk about a few of those interviews real
13 quickly.

14 So ES XXX, do you recall whether you spoke to an
15 organization called APLE, A-P-L-E, the day or day after
16 Daniel was arrested?

17 A I don't know if they were APLE people or not, but I just
18 knew that they were police, and they didn't have any uniform
19 on.

20 Q Let me show you a couple of pictures here real quickly.
21 I am going to pull up 105.

22 MR. SINHA: And unless there's an objection, I ask
23 that it be published to the jury please.

24 MS. MAXFIELD: No objection.

25 THE COURT: It will be published.

1 Q BY MR. SINHA: ES XXX, what is this that we're looking
2 at?

3 A When I was answering him, I didn't look at him. My face
4 turned away the whole time through.

5 Q Is this somebody interviewing you about things Daniel
6 had done to you?

7 A Yes, but I didn't tell everything to them.

8 Q Why didn't you tell everything to him?

9 A Because it was just -- because everything happened so
10 fast, and I just couldn't think of what to say.

11 Q This was the day of the arrest?

12 A Yes.

13 MR. SINHA: Exhibit 110, please. And I would ask
14 that this also be published.

15 MS. MAXFIELD: No objection.

16 THE COURT: It will be published.

17 Q BY MR. SINHA: Is this the same day of the arrest?

18 A It was a different day. It was a day after the arrest.

19 Q Now, ES XXX, either the day of the arrest or the day
20 after the arrest, you talked to these people, but you said
21 you didn't tell everything to them?

22 A Correct.

23 Q Do you recall whether or not you told them about Daniel
24 abusing LS X?

25 A I don't think I did.

1 Q Do you recall whether you told them about having told
2 Pastor Sopheak?

3 THE INTERPRETER: I am sorry, Counsel. The
4 interpreter did not hear.

5 Q BY MR. SINHA: I am sorry. Do you recall if you told
6 them about having told Pastor Sopheak?

7 A Yes.

8 Q ES XXX, on the day of the arrest, how did you feel about
9 the Cambodian National Police officers coming to the
10 orphanage? How did they treat you?

11 A They didn't say anything much. They had their uniforms
12 on. They did not have -- they didn't have any uniform on,
13 but they just had a card, maybe like ID.

14 Q While all of that was going on -- start again.

15 While the arrest was happening and later that day,
16 were you able to find your brother, LS X?

17 A I tried to look for him. I rode all over the Stung
18 Meanchey area to look for him, but I couldn't find him.

19 Q Did you find that frustrating and scary that you
20 couldn't find your little brother?

21 A Yes.

22 Q Were you upset with the officers who wouldn't let you
23 or help you find him?

24 A How could they help me? It was them who took my younger
25 brother away. And I asked them to return him to live with

1 me. And I have been asking for him for two to three years
2 now. I am sorry.

3 THE INTERPRETER: I think the interpreter said two
4 or three years. Let the interpreter clarify with the
5 witness.

6 MR. SINHA: Sure.

7 THE WITNESS: I have been asking for them to bring
8 my brother back to live with me. And I have been asking for
9 two years, since the problems started. So it has been two to
10 three years now.

11 Q BY MR. SINHA: ES XXX, after Daniel's arrest, did you
12 ever exchange Facebook messages with his brother, Gary?

13 THE INTERPRETER: I am sorry. The name?

14 MR. SINHA: Gary, G-A-R-Y.

15 THE WITNESS: Yes.

16 Q BY MR. SINHA: Did Gary ever send you or your family any
17 money?

18 A At that time my brother-in-law or sibling-in-law, needed
19 to build a restroom. And so I needed \$300, but he told me
20 that the money that was to give me was just to give me, and
21 it has nothing to do with this younger brother's problem.

22 Q But did Gary give you that money?

23 A Yes.

24 Q ES XXX, was there a point in around 2014 where you heard
25 from Sambo that Daniel was losing weight in jail?

1 A I don't know if that person told me or not, because I
2 went to see him -- I mean, I got to go to see him.

3 Q Was there a point in 2014 where you told APLE that
4 Daniel hadn't abused you?

5 THE INTERPRETER: "Hadn't."

6 MR. SINHA: Had not.

7 THE WITNESS: Yes.

8 Q BY MR. SINHA: And did you give one of the reasons for
9 why you didn't -- let me start again.

10 Why did you tell APLE that Daniel had not abused
11 you?

12 A Because I went to meet with Daniel in jail, and he said
13 to -- or he persuaded me not to say -- well, in short, just
14 to not say anything about that.

15 Q To not say anything about him abusing you?

16 A Yes.

17 Q Do you recall how he persuaded you to say that he hadn't
18 abused you?

19 A I am not sure, but I just know that he was telling me so
20 that I did not have to tell the truth.

21 Q And so when you spoke to APLE and said that Daniel had
22 not abused you, was that the truth or was that a lie?

23 A A lie.

24 Q And did -- that same year, did you meet with a woman
25 named Martha from the FBI?

1 A Yes.

2 Q Did you lie to her, also?

3 A Yes.

4 Q And among the things that you told her, you told her
5 that you were not in contact with Daniel, and that you didn't
6 know how to contact him. Was that true or was that a lie?

7 A A lie.

8 Q And that interview took place in November -- excuse me,
9 November of 2014. And so as we talked about earlier, were
10 you Facebooking with Daniel Johnson in late October of 2014?
11 And if you don't recall, I can show you the Facebook
12 messages.

13 A I know it was in 2014, but I just didn't know the day
14 and the month, or anything like that.

15 Q Okay. Would looking at the Facebook messages help
16 refresh your memory?

17 A Well, if you want to review it, go ahead. But I know
18 that I contacted -- I mean, I was contacting him. But I just
19 wanted to know who started it first, was it me or him who
20 wrote -- who started first?

21 Q Sure. I am not sure in that exchange, and we can look
22 at it. But I guess the point for me is you were in contact
23 with him during this period, even though you said you were
24 not in contact with him?

25 A Yes.

1 Q And you also said to Martha that you didn't know if
2 people were visiting Daniel in prison, but in fact, you,
3 yourself, had visited Daniel Johnson, correct?

4 A Yes, there was a person who took me there.

5 Q Do you remember that person's name?

6 A Pagna.

7 Q Do you know how Pagna was related to Daniel?

8 A I don't know. I just know that they know each other,
9 but I just don't know what kind of relationship they had.

10 Q And ES XXX, when you spoke to Martha, you told her that
11 Daniel had not sexually abused you, and you gave a few
12 reasons as to why you thought you may have said that he had?

13 A Yes.

14 Q Do you recall having said that he hadn't abused you, and
15 you said that he had because, perhaps -- these are your words
16 exactly, I believe, quote, Perhaps, I was scared.

17 And I also think you said that perhaps -- not quote,
18 but that you were nervous. Do you recall saying those
19 things?

20 A Everything I said was a lie. It was a lie and it was
21 not because I was scared, and it was not because I was
22 nervous, or anything like that. It was the reason that I
23 told you earlier, that there was a person who took me to meet
24 with him, and he told me that.

25 Q So then pretty much everything you said to Martha was

1 untrue?

2 A Correct, it was a lie.

3 Q And was there a time later in 2017 that you sat down
4 with another FBI interviewer?

5 A Yes.

6 Q And was her name Janetta?

7 A Yes.

8 Q And did you lie to Janetta, or did you tell the truth?

9 A The truth.

10 Q What happened in between the time that you spoke to
11 Martha, and the time that you spoke to Janetta that made you
12 want to tell Janetta what had happened?

13 A So I thought by lying, it would have been the last time
14 that I had to meet with her, and I thought it was going to be
15 over with, but I didn't. I had to meet with some other
16 person afterward. So then in 2007, I decided to tell the
17 truth, because I thought that by telling the truth now, in
18 2017 -- I mean 2017, that they would stop asking and talking
19 about this. They had -- now we're here talking about it
20 again.

21 Q So ES XXX, why are you testifying today?

22 A I don't want to have this kind of meeting again.

23 Q And does you testifying about it today have anything to
24 do with trying to get immigration status into the United
25 States, or receiving money from anyone? V's

1 A No.

2 Q Is there any reason why you are testifying today, other
3 than just wanting to talk about it this one last time, and be
4 done with it?

5 A I mean, whatever you do, I -- just don't make me talk
6 about this again, and this is my last time to talk about it.

7 Q ES XXX, thank you for speaking with us about this today.
8 I don't have any other --

9 MR. SINHA: I am going to pass the witness.

10 THE COURT: Cross-examination.

11 MS. MAXFIELD: Thank you, Your Honor.

12

13 CROSS EXAMINATION

14 BY MS. MAXFIELD:

15 Q Good afternoon, Mr. ESX. I am over here. I am Lisa
16 Maxfield, and I am one of Daniel Johnson's lawyers, and I
17 have a few questions for you as well. Is that okay?

18 A Yes.

19 Q You testified about the day that the Cambodian National
20 Police showed up at the Hope Transition Center. And I want
21 to show you Government's Exhibit 105, and ask you to look at
22 that.

23 THE INTERPRETER: Your Honor, if the interpreter
24 could take a break?

25 THE COURT: Yes, we will take our afternoon break,

1 and we will be in recess for 10 or 15 minutes.

2 MR. SINHA: Could the witness step down and relax,
3 as well?

4 THE COURT: Yes. You can step down, and Court will
5 be in recess.

6 (Brief recess taken from 1:55 p.m.
7 to 2:14 p.m.)

8 THE COURT: Mr. Weinerman.

9 MR. WEINERMAN: We would ask the witness to speak in
10 Khmer into the microphone, as well as the interpreter
11 speaking into the microphone. We're determining the accuracy
12 of the translation, and if the witness's answers could also
13 be amplified a little more, it hasn't been amplified very
14 well up until now. But that is our request.

15 THE COURT: Maybe if you can explain to him with the
16 translator before we put him on the witness stand to move up
17 towards the microphone. I think right now he's got the
18 Kleenex right in front of the microphone.

19 So Char, you might need to move those. Let's go
20 ahead and have him come on in, and then we will bring the
21 jury in.

22 (Discussion off the record.)

23 MR. SINHA: Your Honor, just real quickly, at the
24 end of Mr. ESX's testimony, I was going to ask the Court to
25 release him and assure him the United States will not be

1 calling him again. And Ms. Maxfield has graciously agreed to
2 that. Thank you, Your Honor.

3 THE COURT: Mr. ESX, we will have you return to the
4 witness stand.

5 (Jury In.)

6 THE COURT: Please be seated. We're returning to
7 cross-examination.

8 Q BY MS. MAXFIELD: Hello, again, Mr. ESX. We were
9 talking about the day the government came to the Hope Center.
10 You had been at school that day; is that right? And you came
11 back to find the Cambodian police all throughout the center?

12 A Yes.

13 Q How many police do you think were there?

14 A I didn't count.

15 Q Many?

16 A It was more than three or four people.

17 Q Your first worry, though, was about your brother, LS X?

18 A Yes.

19 Q You couldn't find him?

20 A Yes.

21 Q And did you -- would anyone tell you where he was?

22 A So, I was just -- I heard, actually, I heard from
23 different sources that he was living in the Stung Meanchey
24 area.

25 Q Not that first day, though? You didn't know that he was

1 going to live somewhere else on that first day when the
2 police showed up, did you?

3 THE INTERPRETER: I am sorry. The interpreter did
4 not hear the first part of the question.

5 Q BY MS. MAXFIELD: On the day the police showed up at the
6 center, you did not know then that LS X would go live
7 somewhere else?

8 A So on that first day, he was still there. They hadn't
9 taken him anywhere. But the second day, I mean, the day
10 after, they put him in the bus to take him somewhere else.

11 Q Would they let you talk to him on the first day?

12 A At that time -- well, on that day, I was getting ready
13 to go into a vehicle, a car, and I saw my brother over in
14 another car. So I was going to go into the car with him, but
15 then -- it's not that they stopped me or anything, but they
16 just -- it's not that they didn't let me to go in, but they
17 just closed the car door and took him somewhere else -- I
18 mean, to a different place.

19 Q In your country, Cambodian National Police are
20 considered corrupt by almost everyone; is that right?

21 A I don't know if it was a majority or not majority. But
22 some of them are like that.

23 Q Do you believe the Cambodian National Police in your
24 community, in Phenom Penh, can be trusted?

25 A Majority of the time, you trust them because they are to

1 serve you. But then some are not good.

2 Q Let me show you again Government's Exhibit 105. Can you
3 see it there on the screen? You are looking at her screen, I
4 see now.

5 And you are dressed there in a blue shirt; is that
6 right?

7 A Yes.

8 Q Is that the shirt you had worn to school?

9 A No, it was a white shirt.

10 Q And I think you testified that you were being questioned
11 there with your head turned away.

12 A Yes.

13 Q And was it your hope that when you finished that
14 questioning, that you would be able to find your brother and
15 go off in peace?

16 A Well, that picture, it was taken immediately -- it's
17 very -- just immediately right after. So they haven't taken
18 my younger brother away. Only in that evening, when they
19 took him away.

20 Q So when you are being questioned here, you don't know
21 what is going to happen to your brother, but in the evening
22 you see him get on a bus and be taken away?

23 A So, yeah, in the evening. But while I was being
24 interviewed, he was still downstairs, because he was already
25 interviewed and went downstairs because we were being

1 interviewed one person at a time.

2 Q But the next day, you were taken back in for another
3 interview; is that right? Can I show you Government's
4 Exhibit 110?

5 A Yes.

6 Q Do you know where you are in this picture?

7 A I do.

8 Q Where are you?

9 A SPECA organization.

10 Q And again, did you assume that person who was asking you
11 questions was a member of the Cambodian police?

12 A I don't know. I just saw their card, and I don't know
13 who was the police and who was not the police.

14 Q After this interview, did you ask to be -- to have your
15 brother come home, or to have your brother sent back to be
16 with you?

17 A Well, they asked me what I wanted, and I told them that
18 I wanted my brother to come to live at SPECA with me.

19 Q But that did not happen?

20 A Correct. It has been over two years now, and it hasn't
21 happened.

22 Q A little less than a year later, in November of 2014,
23 you were again questioned. Do you remember that?

24 A Yes.

25 Q And do you remember where you were when you were

1 questioned?

2 A It was in Kampong (phonetic) area, and it is called --
3 actually, I don't remember what it is called anymore.

4 Q Were you in an interview room that had some people
5 looking in on the interview through one-way glass?

6 A I don't know, but they opened the glass.

7 Q One-way glass, that's probably not an easy translation.

8 Do you know whether someone was observing your
9 interview from another room?

10 A At that time I did not know. I did not know that I was
11 being observed or taped or videotaped, or anything like that.
12 So I didn't know that they -- if they had any cameras to
13 catch me.

14 Q So during that interview where you did not believe you
15 were being observed, you told the interviewer that you had
16 not been abused; is that correct?

17 A Yes.

18 Q And that was an interview that lasted almost an hour and
19 a half; is that right?

20 A It was a long time. Maybe it was an hour, but I know
21 that it was a long time. I didn't know that it was an hour
22 and a half.

23 Q And during that interview, you told FBI Martha at least
24 20 different times that you had not been sexually abused;
25 isn't that right?

1 A Well, then, okay, I just want to clarify, and I want to
2 tell you to be sure that -- I want to say that -- okay. I
3 would like to restate this, again, please.

4 Like earlier when -- earlier when that man was
5 asking me questions, and I told him that I have met with
6 Daniel, and Daniel told me to change my answer.

7 Q My question, though, was during that hour and a half,
8 again, and again, and again, as many as 20 times you told FBI
9 Martha that you had not been sexually abused?

10 A So like I told you earlier, the reason I said that
11 because I wanted it to be over. And on top of that, I wanted
12 to help him, so that's why I continued to say over and over
13 and over again. If I said over and over and over again, I
14 would be helping him.

15 Q You said it over and over and over again in the hopes
16 that it would all be over; is that right?

17 A Yes, it was going -- it would have been over, and I
18 didn't want to meet again.

19 Q Then you did have to meet -- let me ask you this.

20 Your brother didn't come home after that; is that
21 right?

22 A So I -- I got my brother to live with me in 2016, and it
23 was at the organization, Water of Life organization.

24 Q But this is back in 2014, and in 2014 at the end of that
25 first FBI interview, you were not -- you and your brother

1 were not put back together?

2 A Like I said, I got my brother to live with me, together
3 with me again, in 20 -- end of 2016 or 2017. But I -- I
4 remember clearly it was in 2016.

5 Q And after the first FBI interview and a year later,
6 after you were finally rejoined with your brother, there was
7 yet another FBI interview; is that right?

8 A Yes.

9 Q So it wasn't over. You needed to talk with them again?

10 A Yes, I spoke with him in 2017, and that was the last
11 time. And now we're here.

12 Q Yeah, and now we're here. And you told them, then, that
13 your brother was living with you. Is your brother living
14 with you now?

15 A So my brother is currently living at the Water of Life
16 organization, but I left -- I left that organization three
17 months ago to live separately. But I still go to meet my
18 brother pretty often.

19 Q When you met with the FBI the second time, you told them
20 you were meeting with them because you wanted it to finally
21 be over?

22 A Yes.

23 Q And you believed it wouldn't finally be over until you
24 told them that you had been sexually abused?

25 A Yes.

1 Q And then you were asked to come to this country?

2 A Yes.

3 Q And talk about it yet once again. And you came with the
4 final hope that this would be over; is that right?

5 A Yes.

6 Q You have said what you needed to say to make it be over?

7 A Yes.

8 MS. MAXFIELD: No further questions. Thank you.

9 THE COURT: Any redirect?

10 MR. SINHA: Actually, Your Honor, I am not sure I
11 have a redirect. I think what we're hoping to do is play a
12 clip of the video from Mr. ESX's 2017 interview.

13 My understanding is that Mr. Johnson's counsel
14 doesn't mind if Mr. ESX is excused from his testimony today
15 while we play that clip. And I had previously asked for
16 Mr. ESX to be released from his subpoena at the end of his
17 testimony. But for technical reasons I don't understand, so
18 just asking the Court to inform him that it's our intention
19 that he would not be called back to the stand.

20 THE COURT: It's the belief of the Court that you
21 will not be required to testify further. You are still under
22 subpoena. There's always a possibility that you could be
23 recalled, but we're hoping that is not the case. But you are
24 free right now to step down and leave the courtroom.

25 If you could introduce the video one more time, and

1 who is involved.

2 MR. SINHA: We're playing a clip and handing out
3 transcripts for the jury. I would ask the transcript be
4 marked and entered as Court Exhibit 5.

5 THE COURT: We will enter it as Court Exhibit 5.

6 (COURT EXHIBIT 5 OFFERED.)

7 THE COURT: Ms. Pew, if you would hand those to the
8 jury and those will be collected after.

9 (COURT EXHIBIT 5 RECEIVED.)

10 MR. SINHA: And the clip that we're playing is a
11 ten-minute clip from a child forensic interview that occurred
12 on March 22nd, 2017. The participants are a woman named
13 Janetta Michaels, who is an FBI forensic interviewer,
14 translator named Roth, R-O-T-H, and the person ES XXXXXXXX is
15 ES XXX, as we have been calling him today.

16 THE COURT: Thank you for that.

17 MR. SINHA: And, Your Honor, I will note for the
18 Court this is Exhibit 260-A, as in apple.

19 THE COURT: Thank you.

20 (Video Played.)

21 MR. SINHA: Your Honor, I am not sure this video is
22 being published to the jury.

23 A JUROR: It's not.

24 MR. SINHA: I think as long as everyone has heard it
25 and can read it.

1 THE COURT: Char --

2 COURT CLERK: It should now.

3 THE COURT: All right. Next witness for the
4 government.

5 MR. SINHA: I apologize. Just in terms of
6 scheduling, I would ask the Court if we could have about five
7 minutes to talk to the next witness.

8 THE COURT: Folks, we will get the next witness
9 ready, and we will have you out in just a moment. Thank you.

10 (JURY OUT.)

11 (Brief recess taken from 2:52 p.m.
12 to 2:57 p.m.)

13 MR. WEINERMAN: So, Judge, for the rest of the
14 afternoon, Ms. Ocon is going to testify, and then the
15 government advised us that they are going to call SES XXXXX,
16 S-E-S-X. And they are agreeable, at our request, if we could
17 adjourn after his direct is over so that we can more prepare
18 for the cross-examination.

19 THE COURT: Okay. That's fine.

20 MR. WEINERMAN: If that's acceptable to the Court.

21 THE COURT: Whatever you guys work out.

22 MR. SINHA: And, Your Honor, if we're on the record,
23 I would like to note for the Court, and make sure I didn't
24 miss anything. I spoke to Ms. Ocon about the Court's rulings
25 and she's been instructed. And I will ask about six topics

1 that I think the Court ruled on.

2 THE COURT: What I would ask is that you listen
3 carefully to the question, and just answer those questions.
4 And you have a tendency to want to add some extra things.
5 Sometimes those extra things can't come in, so just focus in
6 on the questions. We will bring the jury in.

7 (JURY IN.)

8 THE COURT: Please be seated.

9 We will have the witness sworn in.

10
11 CELENA OCON,

12 produced as a witness, having been first duly sworn, was
13 examined and testified as follows:

14 THE WITNESS: Yes.

15 COURT CLERK: Be seated and state your name for the
16 record, spelling your first and last.

17 THE WITNESS: Celena, C-E-L-E-N-A, last name Ocon,
18 O-C-O-N.

19
20 DIRECT EXAMINATION

21 BY MR. SINHA:

22 Q Good afternoon, Ms. Ocon. Can you tell us what you do
23 for a living?

24 A I am self-employed and I am an insurance benefit
25 counselor.

1 Q Where do you live?

2 A Pomona, California.

3 Q And in addition to being an insurance benefit counselor,
4 do you do any volunteer work?

5 A I do a lot of mission work.

6 Q Religious type --

7 A Religious mission work, yes.

8 Q How long have you been doing that?

9 A I started doing missionary work in 2009. Every summer I
10 would take one trip to different countries with my school,
11 and then I took an 11-month trip in 2013, September, all the
12 way to July 2014.

13 Q What was the organization that you took that 11-month
14 trip with?

15 A The organization was called Adventures in Missions and
16 the trip was the World Race.

17 Q Tell me about Adventures in Missions?

18 A About the trip?

19 Q About the organization.

20 A The organization is a Christian missionary trip, and
21 they send out young adults throughout the whole world to help
22 out people in third-world countries and whatnot.

23 Q How about the World Race?

24 A The World Race is specifically is a trip where young
25 adults go on an 11-month trip, and every single month we go

1 to a new country and do different work.

2 Q What countries did you visit to?

3 A Philippines, and then I went to Malaysia, Vietnam,
4 Cambodia, Thailand, South Africa, Swaziland, Ireland,
5 Romania, Albania, I believe. If that's 11. I believe that's
6 all of them, unless I missed one.

7 Q And what types of projects did you do in each of those
8 countries?

9 A I worked at orphanages. I also went to Thailand and
10 worked in the bars. I would become friends with the
11 prostitutes and offer them work outside of the bar, so they
12 would have a job at a coffee shop and a place to live so they
13 no longer had to do that.

14 We did ministry in women's prisons with women who
15 were murderers, and we would preach to them, and show them
16 love. I worked at hospitals. I did medical missions,
17 business missions, a whole variety.

18 Q Was that 11-month period, was that a good experience for
19 you?

20 A Yes, it really was.

21 Q The next thing I want to talk to you about is the time
22 you spent in Cambodia. So tell me about the time you spent
23 in Cambodia, please, as part of that 11-month trip.

24 A We went to Cambodia. I was there for several days. We
25 were to work at an orphanage with Hope Transition, and we

1 didn't really get to do much there, though, because of
2 everything that had happened.

3 Q So Hope Transition, that is Hope Transition Center and
4 is that -- is that Hope Transition Center?

5 A Yes.

6 Q And is that the orphanage run by Daniel Johnson?

7 A Yes, it is.

8 Q Where was that located?

9 A That was located in Phenom Penh.

10 Q How many people were sent to go to the Hope Transition
11 Center?

12 A There were three teams of seven, and they were disbursed
13 in other areas of Cambodia. However, only one team stayed at
14 the center, and that was my team. It was a group of seven
15 women.

16 Q What were the age ranges of the women?

17 A Anywhere between 19 and 25, 24.

18 Q What were you -- what were you planning on doing at the
19 Hope Transition Center, or what was your role?

20 A We all had different roles, but my role specifically was
21 to help out with some type of administration work with the
22 computers; however, I wasn't clear on what I had to do.

23 Q Did you know who you would be working under at Hope
24 Transition?

25 A I was just going to have instruction by Johnson.

1 Q Daniel Johnson?

2 A Daniel Johnson, yes.

3 Q Prior to arriving in Cambodia, did you have any
4 correspondence with Daniel Johnson, or anyone else from Hope
5 Transition Center?

6 A No.

7 Q So you met Daniel when you arrived?

8 A Yes.

9 Q And tell us, what did you observe about Hope Transition
10 Center when you arrived?

11 A When I arrived one thing that I noticed was when you get
12 there there's a big wall that you can't see the orphanage.
13 And there was no signage outside that said it was an
14 orphanage. I worked with other orphanages, and there was
15 always some type of labeling that said it was an actual
16 orphanage. So I thought that was odd that it didn't say it
17 was. When you enter the compound or whatever you call it, it
18 does say it on the front door, but that's not viewable from
19 the outside.

20 Another thing I found odd was when I enter the
21 house, you enter to a living room. And the first wall you
22 see will be Daniel Johnson's room. However, it was not a
23 wall. It was a one-way glass that you can see outside of.
24 So I thought that was kind of odd that there was a window
25 from his bedroom to see the living room.

1 MR. WEINERMAN: I object to the relevancy of "odd"
2 and move to strike.

3 THE COURT: Please do not add commentary.

4 Go ahead.

5 Q BY MR. SINHA: Outside of the layout of the orphanage,
6 what did you observe about the ratio of boys to girls?

7 A There was a lot of boys. There was 20 boys or so, and
8 about five girls.

9 Q So do you know what -- approximately, what day you
10 arrived?

11 A I am not sure, but it was December 2013.

12 Q So early December?

13 A Uh-huh.

14 Q Tell me about your interactions with Daniel Johnson
15 while you were at the orphanage -- excuse me.

16 Tell me about your interactions with Daniel Johnson
17 after you arrived at Hope Transition Center.

18 A There was not many. My interaction that I had with him
19 was the beginning orientation where he told us what we would
20 be doing and whatnot. And that's where he mentioned that I
21 would be doing the administration work on the computer.
22 However, there wasn't much detail on what to do, and I saw
23 him one time, one evening after that.

24 Q In the time that you were at Hope Transition Center, did
25 you participate in any religious ceremonies?

1 A There was one, yes.

2 Q What was that one?

3 A It was a Bible study and prayer, early morning, at 5:00
4 in the morning.

5 Q And during that time, or during any other time while you
6 were at Hope Transition, did you observe Daniel Johnson or
7 Mr. Johnson ministering to any of the children or
8 participating in any sort of worship ceremonies?

9 A No.

10 Q Do you know where he was when the worship ceremony was
11 going on?

12 A In his bedroom.

13 Q Was there anything -- do you recall anything that
14 happened -- let me start again.

15 Let's talk about the worship ceremony that you
16 attended. You mentioned that that was 5:00 in the morning?

17 A Yes.

18 Q And does that day stand out in your mind for any reason?

19 A Yes, it does.

20 Q What is the reason?

21 A That is the day that Daniel Johnson was apprehended.

22 Q And were you present when Mr. Johnson was apprehended?

23 A Yes, I was --

24 MR. WEINERMAN: I object to the term "apprehended,"
25 that denotes that he was running away and that's not the

1 case.

2 THE COURT: Can you rephrase the statement?

3 Q BY MR. SINHA: Were you present when Daniel Johnson was
4 arrested?

5 A Yes, I was present when he was arrested.

6 Q And do you know who arrested him?

7 A The Cambodian police.

8 Q And so could you tell us what happened -- what you
9 observed the morning of the arrest?

10 A The morning of the arrest, just to clarify, when he
11 was -- ask me one more time, please.

12 Q Sure. On the morning of the arrest, you woke up?

13 A Yes.

14 Q What did you go do?

15 A Okay, the morning of the arrest we had the worship
16 service at 5:00, Bible study, as well. Daniel Johnson was
17 not present for that. After the worship service, the kids
18 got ready and did what they needed to do, and I stayed in the
19 living room area. And I knocked on Daniel Johnson's door
20 several times.

21 Q Let me ask you a question. You had a worship service at
22 5:00 a.m.?

23 A Yes. Yes.

24 Q Approximately what time did it end?

25 A Maybe half an hour or 45 minutes after.

1 Q Did you go straight to the living room after that?

2 A Went upstairs to take a shower and get ready, and then I
3 came back down.

4 Q And you came back down to the living room?

5 A Yes.

6 Q From where you were in the living room, could you see
7 Mr. Johnson bedroom door?

8 A Yes.

9 Q You said you knocked on his bedroom door. Why did you
10 knock on his bedroom door?

11 A I knocked on his bedroom door, because I wasn't clear on
12 what task I needed to do in regards to administrative work.

13 Q Did Mr. Johnson open the door?

14 A No, he did not.

15 Q What did you do after he didn't open the bedroom door?

16 A I stayed in the living room.

17 Q While you were in the living room area, could you
18 continue to see the door to his bedroom?

19 A Yes.

20 Q Did you see anyone come in or out of his bedroom?

21 A No.

22 Q How long did you sit there with the door to his bedroom
23 in your field of vision?

24 A Until approximately 10:00 a.m.

25 Q What happened at 10:00 a.m.?

1 A At 10:00 a.m. two individuals came knocking on the front
2 door. It was a man and a woman, dressed in business attire
3 and they asked for Daniel Johnson.

4 Q What did you do?

5 A I went to his door and knocked on it.

6 Q What happened then?

7 A There was no answer immediately, but a little after, a
8 young boy came out and he looked a little disheveled.

9 Q When you say he looked a little disheveled, can you give
10 us a little detail, please?

11 A His hair was messy, his clothes was ruffled, and he
12 looked as if he were intoxicated.

13 MR. WEINERMAN: Judge, I need to -- would you repeat
14 the last part.

15 THE WITNESS: His hair was messed up, his clothes
16 were disheveled, and the boy looked as if he had been
17 intoxicated.

18 MR. WEINERMAN: I object to the last of that; lack
19 of expertise.

20 THE COURT: Overruled. It's her observation. You
21 can cross on it.

22 Q BY MR. SINHA: Did the boy look like he had gotten --
23 from your -- in your opinion, did he look like he had gotten
24 a full night's sleep?

25 A No.

1 Q When the boy came out of Mr. Johnson's bedroom, could
2 you see into the room?

3 A Very slightly. It was dark. However, the boy shut the
4 door right behind him.

5 Q What happened next?

6 A A little after, Daniel Johnson came out of the room.

7 Q And what did you observe, if anything, about Mr. Johnson
8 when he came out of the room?

9 A He fixed his hair to the side, and he was tucking in his
10 shirt.

11 Q What happened after that?

12 A He went to speak with the two individuals that came, the
13 woman and the man. And then at that point I went upstairs.

14 Q And Ms. Ocon, during the course of this day, did you
15 observe what Hope Transition Center was like while the arrest
16 was going on?

17 A Yes, I did.

18 Q What was it like?

19 A It was just, you know, an odd experience. You are not
20 used to having something like that all the time. The police
21 came in, they were searching things and whatnot. However,
22 the two individuals, the man and the woman, they were sitting
23 on the side and they were very calm and reassuring to the
24 children, because they were pulling the kids aside and
25 speaking to them while everything was going on.

1 Q And those are the two people from APLE?

2 A Yes.

3 Q Did you know at the time what the APLE people were
4 speaking to the kids about?

5 A No.

6 Q In the course of the day, did you ever have the
7 opportunity to speak to any of the kids?

8 A I did, yes.

9 Q Who did you talk to?

10 A I spoke to ES XXX.

11 Q And what did ES XXX tell you?

12 MR. WEINERMAN: Objection; hearsay.

13 THE COURT: Overruled. ES XXX has testified.

14 THE WITNESS: Okay. As I spoke with ES XXX, he was
15 telling me of an experience that he had with Daniel Johnson.
16 He mentioned that Daniel Johnson had beaten him and kicked
17 him out of the orphanage. He also mentioned that he came
18 back to the orphanage, and was at the gate crying to let
19 Daniel Johnson -- to let him back into the orphanage.

20 And he said the reason why he was kicked out was
21 because he was a bad boy, is what he said. I also asked him
22 why would he want to come back to the orphanage, if he would
23 be -- had been beaten by this man, and he said because he
24 wanted to be able to go to college.

25 Q BY MR. SINHA: Do you know if you -- do you know if you

1 had that conversation with ES XXX before or after he spoke to
2 the people from APLE?

3 A I believe it was before.

4 Q Did you talk to anyone else, any of the other children?

5 A Yes.

6 Q Who was that?

7 A I spoke with LS X.

8 Q Is that LS X?

9 A LS X, yes.

10 Q Do you know about how old LS X was -- strike that.

11 What did LS X tell you?

12 A Well, I spoke to LS X. He was -- he didn't know what
13 was going on, and it was his turn to speak to the APLE
14 individuals. And all I told him was just answer every
15 question they have, and just be truthful with them.

16 Q And did you observe LS X do anything after that?

17 A Yes. At that time he walked over to the bench swing
18 that they had to speak with the lady, and he looked like he
19 didn't know what to say so -- or if he wanted to say
20 something. And he looked at another individual named PE XX
21 and he went like, what do I say? He was like --

22 MR. WEINERMAN: Objection to --

23 THE COURT: You can't speculate as to what somebody
24 else is thinking. Just what you observed.

25 Q BY MR. SINHA: Did you see LS X shrug his hands?

1 A Yes, I did.

2 Q Did you see Peter or LS X say or do anything in response
3 to LS X shrugging his hands?

4 A PE XX responded by shaking his head.

5 Q Are you shaking your head no?

6 A No -- yes. Yes, I am shaking my head no.

7 Q And PE XX was shaking his head no?

8 A PE XX was shaking his head no.

9 Q So you were around the area, it seems, where LS X and
10 some of the other kids were being questioned by people from
11 APLE; is that correct?

12 A Yes.

13 Q Was that a chaotic environment?

14 A When the kids were being questioned, they were being
15 pulled to the side and a little swing area, and the people
16 who were speaking to them, they seemed to be calm.

17 MR. WEINERMAN: Objection as to the "seem to be."

18 THE COURT: Sustained.

19 Please do not talk about what you think other people
20 are thinking.

21 Q BY MR. SINHA: If you were able to observe, were the
22 people who were speaking to the kids speaking in loud voices,
23 or were they speaking in quiet voices?

24 A They were speaking in quiet voices.

25 Q Were they making aggressive gestures?

1 A They were not making aggressive gestures.

2 Q Did you -- were the -- when the kids were being spoken
3 to by the two individuals at APLE, were they being surrounded
4 by other people, or were they isolated?

5 A They were isolated, and they were speaking to them on an
6 individual basis.

7 Q Were they in a place that was very loud, or was it
8 quiet?

9 A It was quiet. It was on the corner of the front patio
10 area, to the side. The majority of the kids were kept
11 upstairs on the roof area, covered roof. And as the APLE
12 people would speak to them, they would call them down one by
13 one to talk to them in the garden area.

14 Q Did you see any of the kids being questioned by
15 Cambodian National Police?

16 A No.

17 MR. WEINERMAN: Lack of foundation as to what
18 Cambodian police officer was wearing or looked like.

19 THE COURT: You can cross on that issue.

20 Q BY MR. SINHA: As far as you understood things, the
21 people that were interviewing the kids, were one of the two
22 APLE people; is that correct?

23 A Yes.

24 Q After the day of Mr. Johnson's arrest, did you ever see
25 the kids again?

1 A I saw them a couple days after, yes.

2 Q Tell me how that happened.

3 A I visited them at the new orphanage, SPECA, and I spent
4 some time with them.

5 Q Do you remember -- did you see ES XXX there?

6 A I saw ES XXX there, yes.

7 Q Did you see other kids there?

8 A Yes, I did.

9 Q Did you take photographs of some of the kids you saw?

10 A Yes, I did.

11 Q Was there some point at which you posted that to a
12 Flickr account?

13 A Yes, I did.

14 Q We have shown one of those photos, so I am not going to
15 show it to you again, but that's where we got it.

16 MR. SINHA: If I could have one moment, Your Honor.

17 THE COURT: Yes.

18 MR. SINHA: Thank you, Ms. Ocon.

19 I am going to pass the witness.

20 THE COURT: Cross-examination.

21

22 CROSS EXAMINATION

23 BY WEINERMAN:

24 Q So Ms. Ocon, this was the third stop on your 11-month
25 tour of orphanages in third-world countries?

1 A No, this was my fourth stop.

2 Q Thank you. So this is a program, I think you testified,
3 through Adventures in Missions and World Race. Are those two
4 different organizations or the same?

5 A The organization name is Adventures in Missions, and the
6 specific trip I took was labeled the World Race.

7 Q The World Race. Is this something you did after
8 finishing either high school or college, or during the time
9 you were in either?

10 A I did this after completing my master's in business
11 administration.

12 Q So is this something that is subsidized, or do you have
13 to pay for the 11-month program?

14 A We need to pay out of our own pocket.

15 Q How much does it cost to do a program like that?

16 A At that time, it was approximately \$16,000.

17 Q And I think you testified every month was -- for
18 11 months was to go to a different or new country, correct?

19 A Yes.

20 Q So while you were there, part of your team, there was, I
21 believe, a professional photographer on your team? And I
22 hope I am not confusing this trip with another one. Was
23 Susan Barnes on the trip?

24 A No.

25 Q But there were photographs taken by someone?

1 A I took photographs on my cell phone.

2 Q There are a number of photographs with you in them that
3 I believe you sent to the FBI. They were on your Flickr
4 account; is that correct?

5 A Yes.

6 Q Are those photographs taken by you, or were some taken
7 by you and some are taken by other people on the trip?

8 A They were taken by me. I believe there's one photo that
9 I have on that Flickr account that was taken by another girl
10 on the trip, but she was not a professional photographer.

11 Q I am going to show you a number of photographs.

12 MR. WEINERMAN: I believe they have been admitted
13 into evidence, and the government has seen them all and the
14 government doesn't object.

15 Q BY MR. WEINERMAN: We're going to start with Exhibit
16 701-A, and there's a series of five photographs. 8, 12, 13,
17 33, and 46. That's the Bates number.

18 So the first photograph, do you recognize that one?

19 A Yes.

20 Q And did you take that one?

21 A That was the photo that was taken by the other
22 individual, the girl, that was not a professional
23 photographer.

24 Q Do you know who is in this photograph?

25 A Yes.

1 Q Who?

2 A LS X, Lougha and VS XXXXX.

3 Q And this was taken at Hope Transition?

4 A Yes, on the roof.

5 Q And was this a natural photograph? The kids just
6 decided to jump up, or did someone prompt them to do that?

7 A The girl I was traveling with asked them to jump up.

8 Q The next photograph, do you recognize this one?

9 A That photo, I did not take it. I had correspondence
10 with PE XX after I saw this picture, and I downloaded it to
11 my file.

12 Q So you don't know who took this?

13 A No, I do not know who took that one.

14 Q Were you present when it was taken?

15 A No, I was not.

16 Q You said PE XX sent this to you?

17 A No, I believe I saw it on his Facebook account.

18 Q PE XX, one of the residents at Hope Transition?

19 A Yes.

20 Q The next photograph?

21 A I did not take that photo, either, and I was not present
22 during that time.

23 Q Do you recognize any of the kids in the photograph?

24 A I recognize the boy, Young. And the girls, I believe
25 it's maybe Vanni (phonetic) and Vesna. And I am not that

1 sure of the name of the other boys.

2 Q And you don't know if this was a natural photo, or it
3 was posed?

4 A That photo was -- this one, I don't know who took it.
5 And I also downloaded this photo; I wasn't present for this
6 one.

7 Q Next are three kids with guitars. Do you remember this
8 one?

9 A I remember that picture. I was not present for that
10 picture, either. It was one I downloaded from the account,
11 as well.

12 Q And that was at Hope Transition Center?

13 A I can't say if it was. I was not present.

14 Q Could we go back to the last one? Do you know if this
15 one was at Hope Transition Center?

16 A I do not. I was not present for that one.

17 Q And I apologize for not asking you. The one before
18 that, that was at Hope Transition Center, is that true, this
19 group photograph?

20 A I cannot -- I don't know.

21 Q And we will go to the last one, the two boys with the
22 guitar, similar to the previous one we looked at. Were you
23 present when that was taken?

24 We're going to get it here. I think it's page 46.
25 There we go.

1 A I was not present when that photo was taken.

2 Q Do you know if that was taken at Hope Transition Center?

3 A I cannot say if it was.

4 Q But, again, it was sent to you, or you downloaded it?

5 A This photo I did, yes.

6 Q So I am going to show you a few other photographs. And

7 this would be Exhibit 701-B. So let's start with page 3.

8 And this is a photograph of you and ES XXX, correct?

9 A Yes.

10 Q And somebody else took this photograph, obviously,
11 unless you have a really good selfie stick?

12 A Yes, someone took it.

13 Q Do you know who took it?

14 A I don't remember who took it.

15 Q This was not taken at Hope Transitions?

16 A No, it was not.

17 Q Next photograph, again, somebody else took this
18 photograph?

19 A Yes.

20 Q And who are you with?

21 A It was one of the girls who were at Hope Transition. I
22 do not remember her name.

23 Q And I think you said earlier you slept in the girls'
24 dormitory or the girls' area?

25 A I did not say that, and I did not sleep in the girls'

1 dormitory.

2 Q Where did you stay?

3 A We were set up on the top floor, and I believe the
4 boys -- or it was the older boys' room. However, they were
5 placed into another bedroom.

6 Q Next photograph, I think this is -- I am not sure what
7 page this is. But it's another photograph of you, and who is
8 that with you?

9 A His name is either VS XX or VS XXX.

10 Q And taken at Hope Transition Center or somewhere else?

11 A This was taken at SPECA.

12 Q Next photograph, do you know who that is in the
13 photograph?

14 A Yes.

15 Q Who is that?

16 A Samuel.

17 Q And again, this was taken at SPECA?

18 A Yes.

19 Q Next photograph, that's you and looks like PE XX?

20 A No.

21 Q I am sorry. Every time I guess, I am wrong.

22 A Wattana.

23 Q And these last series of photographs, looks like they
24 were taken around the same time. At least, you are wearing
25 the same outfit -- I am sorry.

1 A All these photos were taken on the same day.

2 Q And you don't recall who took the photographs?

3 A It was one of the girls on my team with my cell phone.

4 Q And the same person probably took all of these
5 photographs?

6 A Yes.

7 Q So you went around from kid to kid and decided who you
8 wanted a photograph with, and she accommodated you by taking
9 it?

10 A Yes.

11 Q Here's another photograph. You are not in this --
12 sorry. Let me see if I can find this one. That is you with
13 who?

14 A Lougha.

15 Q And that was taken at SPECA?

16 A Yes.

17 Q That's the one I wanted. Again, another photograph
18 taken the same day, I am assuming, at SPECA?

19 A Yes.

20 Q And you are with residents, former residents of Hope
21 Transition Center?

22 A Yes.

23 Q Do you recognize the boy in the photograph?

24 A That was Lougha.

25 Q Next photograph would be -- do you know who is in that

1 photograph beside you?

2 A I am not sure what his name is.

3 Q Again, taken at SPECA?

4 A Yes.

5 Q Next photograph. Do you recall who is in this
6 photograph?

7 A The boy on the bottom is Lougha, and I do not remember
8 the girl's name on the top.

9 Q Next. How about this one?

10 A This was taken at SPECA, and it is of ES XXX and Lougha.

11 Q And do you recognize the other two --

12 A I recognize them, but I do not know their names.

13 Q Next photograph.

14 A That was also taken at SPECA. I recognize the girl, but
15 I do not recall her name.

16 Q Do we have more? How about this one?

17 A That is me and RT XX at SPECA.

18 Q Next -- is that it? So all of these photographs were
19 taken within a relatively short period of time at SPECA a few
20 days after Daniel Johnson was arrested?

21 A Yes.

22 Q So how long were you at SPECA? An hour or less or more?

23 A About an hour.

24 Q About an hour. So a lot of time was spent just walking
25 around talking to kids, and then deciding which to take

1 photographs with?

2 A Yes.

3 Q And these photographs, once your -- either during your
4 trip when you move on to another country, you put those on
5 your Flickr account right away?

6 A I don't remember how soon I uploaded them to my Flickr
7 account.

8 Q Did you send these photographs to anyone outside your
9 group to show where you were, the kids you were interacting
10 with?

11 A I do not remember.

12 Q After you got back to the United States, did you
13 circulate these photographs to other people to show where you
14 were, and what you had done?

15 A I uploaded them to my Instagram.

16 Q And that would enable -- are you public or private on
17 Instagram?

18 A My Instagram is private.

19 Q So somebody would have to be admitted by you in order to
20 see the photographs?

21 A Uh-huh. Yes.

22 Q And people who are admitted to look at your Instagram
23 account would be people you knew, or your friends, or you
24 feel comfortable with?

25 A Yes. And I may have also uploaded them to my Facebook

1 at the time, which I no longer have.

2 Q So I believe you testified that there was no signage
3 that you observed at Hope Transition Center?

4 A On the outside that is viewable to the public outside of
5 the home.

6 Q I would like to show you Defendant's Exhibit 604, pages
7 2 and 3.

8 A Yes.

9 Q Do you recall seeing this sign on the outside -- let me
10 finish, ma'am.

11 A I am sorry.

12 Q I'll give you a chance to respond.

13 -- on the outside, visible, visible from the outside
14 of the Hope Transition Center before you walk in?

15 A This sign is not visible from outside of the gate. You
16 are only able to see this one once you are in the compound.

17 Q So let's back up. Hope Transition Center is protected
18 by a gate?

19 A Yes.

20 Q So anyone who wants to visit Hope Transition Center
21 would have to somehow communicate with somebody on the inside
22 to get the gate open so that they could enter?

23 A Yes.

24 Q So what you are saying is outside the gates, before you
25 were admitted, there was no signage?

1 A Yes.

2 Q Once you were admitted into the gate and before you
3 entered the building, this signage is visible; is that
4 correct?

5 A It's right above the front door, yes.

6 Q And I am going to show you one more photograph that is
7 probably a little better than this one. I think it's
8 No. 3 -- I think there's another one, page 2 and page 3.
9 There we go. That's one that's not too good, either, so
10 that's our best one.

11 You saw that once you got through the gate and
12 before you entered Hope Transition Center?

13 A Yes.

14 Q Now, you testified about the one-way glass at Hope
15 Transition Center -- in other words, there was a one-way
16 glass between Daniel's room and the living area, correct?

17 A Yes.

18 Q You don't know when that glass was put in?

19 A No, I do not.

20 Q Did you know how long Hope Transition Center had
21 occupied this particular building?

22 A No, I did not.

23 Q So to your knowledge, did Hope Transition Center own
24 this building?

25 A I did not know -- or do not know.

1 Q So you don't know if that one-way glass was there when
2 Hope Transition Center first occupied the building, whenever
3 they did?

4 A I do not know.

5 Q So you have no idea when this glass was installed,
6 before Hope Transition Center occupied the building or after?

7 A I don't know.

8 Q So I am going to ask you a few questions about the
9 morning of the arrest, before the arrest occurred. So I
10 understand there was a Bible study at 5:00 a.m., or a
11 service. Would that be the correct term?

12 A Yes.

13 Q And you attended it?

14 A Yes, I did.

15 Q Did everyone in your group attend it?

16 A Yes.

17 Q How about the people at Hope Transition Center? Did
18 every person at Hope Transition Center attend that service?

19 A No.

20 Q You testified Daniel Johnson didn't?

21 A Uh-huh.

22 Q Anybody else, to your knowledge, who did not attend the
23 service?

24 A I don't know if there was anyone else or not.

25 Q So you don't know whether Daniel Johnson was the only

1 person who didn't attend, or there were other people who
2 were -- either worked at Hope Transition Center or volunteers
3 or some of the kids who did not attend the service for
4 whatever reason?

5 A Not to my knowledge.

6 Q The worship service was in the living area or another
7 part of the building?

8 A In the living area.

9 Q Now, the boy you saw come out of Daniel Johnson's room
10 whose hair was messy, clothing was disheveled, do you know
11 the name of that boy?

12 A No, I do not.

13 Q Do you know how old he was?

14 A I don't know exactly how old he was.

15 Q Was he clothed?

16 A Yes.

17 Q Shirt?

18 A Yes.

19 Q Pants or shorts?

20 A Yes.

21 Q Shoes?

22 A I don't know.

23 Q You talked about a conversation you had with ES XXX that
24 day, when he told you he was kicked out of the Hope
25 Transition Center for being a bad boy. Remember that?

1 A Yes.

2 Q Did ES XXX tell you that he had been punished for
3 violating a rule at Hope Transition Center?

4 A He just told me he was a bad boy.

5 Q He didn't explain what made him bad?

6 A No.

7 Q And you didn't ask him?

8 A No, I was just listening.

9 Q So I would like to ask you a few questions about what
10 happened after -- I will call them the authorities arrived?

11 A Okay.

12 Q So you indicated that some of them were from an
13 organization called APLE, A-P-L-E?

14 A Yes.

15 Q And they had identification on them, like what you would
16 wear around your neck. Is that how you identified them as
17 being from APLE?

18 A I was told they were from APLE from two FBI agents
19 afterwards.

20 Q So there were two FBI agents, as well as --

21 A Yes.

22 Q And there were people from the Cambodian National
23 Police, correct?

24 A Yes.

25 Q And you don't know whether some were in uniform or some

1 were wearing plain clothes, as well?

2 A Yes.

3 Q Did you see anyone wearing a uniform, looking either law
4 enforcement or military-like?

5 A Yes. Yes.

6 Q How many did you see?

7 A I don't recall.

8 Q So some wore uniforms and some didn't?

9 A Yes.

10 Q So around 10:30 a.m., which would have been pretty soon
11 after the authorities arrived and eventually arrested Daniel
12 Johnson, would it be fair to say that some of the kids were
13 terrified about the situation?

14 A I don't know.

15 Q I would like to show you what has been marked as 703.

16 MR. WEINERMAN: I want to make sure we do this
17 correctly, so if I may have a moment with counsel.

18 THE COURT: Yes.

19 (Discussion off the record.)

20 THE COURT: Folks, if you would like to take a quick
21 break, we will use this opportunity to let you stretch and
22 use the restroom if you need to. Thank you.

23 (JURY OUT.)

24 (Brief recess taken from 3:41 p.m.

25 to 3:47 p.m.)

1 THE COURT: We'll go on the record.

2 MR. WEINERMAN: Ms. Ocon, I am handing you an
3 exhibit for identification only. Could you help me with the
4 number? Does it say Defendant's Exhibit there?

5 THE WITNESS: 703.

6 Q BY MR. WEINERMAN: So that is an e-mail, and if you look
7 at maybe the third paragraph, Emily Kroll, Subject, What
8 Happened on Monday. It's dated December 12, 2013. Daniel
9 Johnson was arrested on December 9, 2013, so this was written
10 approximately three days after Daniel Johnson's arrest.

11 First of all, do you know Emily Kroll?

12 A Yes.

13 Q Was she part of the mission?

14 A Yes she was.

15 Q I am going to ask you to read this document, and it's
16 about three-and-a-half pages, to yourself, and then I am
17 going to ask you some questions to see if it refreshes your
18 recollection about what was going on at Hope Transition
19 Center on the day Daniel Johnson was arrested, December 9,
20 2013. So go ahead and read it to yourself.

21 A (Complies.) (Reading document.)

22 MR. WEINERMAN: Can I ask some questions now?

23 THE COURT: Yes, go ahead.

24 Q BY MR. WEINERMAN: So does this e-mail from Emily Kroll
25 refresh your memory about some of the things that happened on

1 Daniel Johnson's arrest?

2 A Yes. However, some of the things in this e-mail was
3 exaggerated.

4 Q Let me go point-by-point, and you tell me if you agree
5 with it or not. Would it be accurate to say that when the
6 police first came at around 10:30 a.m., some of the kids were
7 terrified?

8 A I can't speculate --

9 THE COURT: Ma'am, please answer the question. If
10 this refreshes your memory, say yes. If it doesn't, and you
11 don't know the answer, say you don't know.

12 THE WITNESS: The kids looked confused.

13 Q BY MR. WEINERMAN: Would you say they were upset?

14 A They were confused of what was happening. I don't know
15 if they were upset or not.

16 Q And so you disagreed with the characterization that kids
17 were terrified?

18 A They may have been scared, because it's a new experience
19 that they have never been through.

20 Q The kids were scared. You are willing to concede that?

21 A They may have been. I don't know.

22 Q Well, do you think you can answer that question "yes" or
23 "no"? Were the kids that you observed scared, or some of the
24 kids that you observed scared or none of them?

25 A Some of them may have been scared.

1 Q All right. Next question, and I am referring to page 2
2 of this document right at the bottom where it says,
3 2:30 p.m., that the lady who wrote this e-mail, Emily Kroll,
4 said that she met you on the stairs. And either you or she
5 or both of you were able to take one of the little girls up
6 to the roof while Emily gathered as many boys as she could.

7 Does that refresh your recollection?

8 A I don't remember that part.

9 Q And same paragraph, same line, does it refresh your
10 memory about whether the police were breaking down the doors
11 in the house?

12 A I don't remember them breaking down the doors.

13 Q Does it refresh your memory that the house was filled
14 with police, social workers, photographers, and lost
15 children?

16 A The kids were gathered, and they were taken up to the
17 roof. And the policemen were going through the downstairs
18 area of the house, in my memory.

19 Q So there were police there?

20 A Yes.

21 Q Social workers?

22 A Yes.

23 Q Photographers?

24 A I don't remember.

25 Q And lost children, I am not sure what that means. Did

1 you see any lost children, or perhaps children who didn't
2 know where to go or what to do?

3 A They may have been, but we ushered them upstairs to the
4 roof.

5 Q How many outsiders would you say were there on the day
6 of the arrest?

7 A I don't remember.

8 Q Next page, I think it's the last two paragraphs,
9 5:00 p.m. Emily writes that the house was in chaos by the
10 time you were done talking at 5:30. I can't really remember
11 what was said this time, only that there were police yelling
12 at kids and us.

13 Does that refresh your memory, as to accurately
14 portray the atmosphere there as chaotic?

15 A It was a lot of confusion. We didn't know what was
16 going on, or what was next.

17 Q How about police yelling at kids and members of your
18 group? Does that refresh your memory whether the police were
19 doing that?

20 A Police were not yelling at us, or at the kids.

21 Q Neither?

22 A Neither.

23 Q And then 5:30 p.m. Emily Kroll writes, We saw them -- I
24 think referring to the police -- yelling at the kids and
25 shoving them toward the van. Did you observe that?

1 A At that time there were other Cambodian people there
2 that were actually trying to take the kids, that were not a
3 part of the police or anything. So there was a struggle
4 between the kids going into the van to SPECA, and other
5 people trying to sneak the children away.

6 Q So would it be accurate that some people were yelling at
7 the kids, insofar as to which van they were going to go in,
8 and whether they were going to SPECA or someplace else?

9 A I wouldn't say they were yelling at them.

10 Q So you are disagreeing with this characterization that
11 the police or other authorities were yelling at the kids and
12 shoving them towards the van? Do you agree with that? Does
13 that refresh your memory or doesn't it?

14 A I disagree in that it was more of a struggle. I do
15 remember at one point someone took a little boy, Young, and
16 was trying put him on a motorcycle and sneak him away, as
17 well as with other kids. And so they were saying, no, he
18 needs to come in the van with us.

19 Q So would it be accurate to say there was a struggle
20 between some of the authorities wanting to put the kids in
21 the van and take them to SPECA, and other people trying to
22 prevent that from happening? Is that an accurate
23 characterization of what was going on?

24 A It was a struggle, because they were trying to take them
25 somewhere else.

1 Q And finally, the last page, Emily writes, At around --
2 sounds like sometime after 5:57, she observed her group walk
3 past the van, and they were shoving kids in -- as little
4 kids, smaller kids, desperately clung to it.

5 Did you observe kids resisting going into the vans
6 to be taken to SPECA, or somewhere else, and the kids trying
7 to cling to members of your group?

8 A The kids did resist, as I said. They were trying to go
9 with other people that I did not know. I don't remember if
10 they were clinging to the members of my group.

11 Q And again, she writes that your group was being yelled
12 at for trying to hug and comfort the kids. Do you recall
13 that?

14 A No, I do not recall.

15 MR. WEINERMAN: Can I have a moment, Judge?

16 THE COURT: Yeah.

17 (Discussion off the record.)

18 MR. WEINERMAN: Judge, I am going to really ask one
19 question about what Ms. Ocon seems to agree with about what
20 was going on with the van, and kids getting in the van.
21 That's all I am going to go into, just a few questions.

22 THE COURT: Okay.

23 MR. SINHA: That's fine with me, Your Honor. While
24 we have her on the stand without the jury, and Mr. Weinerman
25 agrees, do you mind if I show her an exhibit to see if she

1 recognizes it?

2 THE COURT: Sure.

3 MR. SINHA: Do you know what this is, Ms. Ocon?

4 THE WITNESS: No, I do not.

5 MR. SINHA: That's all.

6 MR. WEINERMAN: I am ready, Judge.

7 THE COURT: I want to clarify, is this a chaotic and
8 frightening experience for the children that day?

9 THE WITNESS: It was scary in the fact that you
10 don't know what is going on.

11 THE COURT: Bring the jury in.

12 (JURY IN.)

13 THE COURT: Please be seated.

14 Mr. Weinerman, go ahead.

15 Q BY MR. WEINERMAN: Ms. Ocon, I am just going to ask you
16 a few questions about what you observed around 5:30 p.m. on
17 the day Mr. Johnson was arrested, December 9, 2013. You have
18 read a document, and I believe you indicated it at least
19 refreshes your memory a little bit as to a very small aspect
20 of what was going on?

21 A Yes.

22 Q So I am going to ask you what was going on at 5:30, and
23 if you recall that the police or other authorities were
24 yelling at kids and shoving them towards vans to be taken to
25 the SPECA location where some of them were moved, and other

1 people were trying to prevent that from happening. Is that
2 what you observed?

3 A I observed that the kids were being escorted to the van,
4 and that there were other individuals who were trying to take
5 the kids to take them to another location that had nothing to
6 do with the orphanage.

7 Q So take them to another location besides SPECA, where
8 the authorities were apparently going to take most of the
9 kids; is that correct?

10 A Yes.

11 Q That's the same location you visited a few days later
12 and many of the kids from the Hope Transition Center were at
13 SPECA?

14 A Most of them were, yes.

15 Q And people who might have been resisting this, were they
16 friends, relatives of the kids who maybe wanted to prevent
17 them from being taken to another location?

18 A I don't know who the individuals were. They were just
19 Cambodian people.

20 Q Were they adults?

21 A Some of them looked like young adults.

22 MR. WEINERMAN: Thank you. I have no further
23 questions.

24 THE COURT: Any redirect?

25 MR. SINHA: Yes, Your Honor, just a few questions.

REDIRECT-EXAMINATION

BY MR. SINHA:

Q Ms. Ocon, I am going to show you a few photographs, and could you tell me if you recognize what these are, please?

MR. SINHA: Can we start with 86, please? And I don't believe the exhibit is -- actually, I believe that these have been admitted, so I guess I would ask that they be published.

MR. WEINERMAN: No objection, Judge.

BY MR. SINHA: So let's look at 86. Can you tell me what that is?

A That is us on top of the roof with my team, and as well as the children on the roof.

Q Was this the day of the arrest?

A I believe it was, yes.

Q And does this photograph capture the environment the day of the arrest?

A Yes.

Q Let's look at 87, please. How about this?

A Yes.

Q Same day, same environment?

A Same day, same environment.

Q 89. What is this?

A I believe that is the individual they were questioning, PE XX, about what was happening.

1 Q Let's look at -- let's get 95, please. And could you
2 tell me what this is, please.

3 A That was the kids eating and drinking, and another lady
4 that was asking the children questions, as well.

5 Q And so is this the day of the arrest, also?

6 A Yes.

7 Q And is this while the confusion was going on?

8 A Yes.

9 Q How about 97, please -- 96, please. What is this that I
10 am looking at?

11 A That's Lougha on the roof and an individual talking to
12 him.

13 Q And does this capture the environment of that day?

14 A Yes.

15 Q How about 97, please? What is this?

16 A That's the same day, as well. And I believe the boy is
17 Vanni or Vanett, and they are talking to him, as well.

18 Q So you have told us that these are photographs of the
19 day on which Mr. Johnson was arrested?

20 A Yes.

21 Q These photographs taken as a whole, do you think they
22 paint an accurate picture of how chaotic or frightening the
23 environment was?

24 A Yes.

25 Q I have a couple of more questions. So you mentioned

1 that there was a worship service at 5:00 a.m. on the morning
2 that Mr. Johnson was arrested, correct?

3 A Yes.

4 Q And you said that Mr. Johnson was not present?

5 A No, he was not.

6 Q And then you said later that morning you witnessed a boy
7 leave Mr. Johnson's bedroom; is that correct?

8 A Yes.

9 Q And you described that boy, which I will characterize as
10 being somewhat out of sorts; is that fair?

11 A Yes.

12 Q So I guess my question is, the boy who you saw leaving
13 Mr. Johnson's bedroom out of sorts, was he at that 5:00 a.m.
14 worship ceremony?

15 A I do not remember seeing him there.

16 MR. SINHA: That's all. Thank you, Your Honor.

17 THE COURT: Thank you. You are free --

18 MR. WEINERMAN: Just a few, Judge.

19
20 RECROSS EXAMINATION

21 BY MR. WEINERMAN:

22 Q You were asked by the prosecutor whether these
23 photographs, 86, 89, 95, 96, capture the environment at Hope
24 Transition Center. Do you remember that?

25 A Yes.

1 Q It captured the environment at the moment that
2 particular photograph was taken, correct?

3 A Yes.

4 Q Didn't capture the environment from 10:00 a.m. into the
5 evening? The environment changed depending on the time and
6 what was going on?

7 A No, it was pretty calm the whole time.

8 Q So you would describe it was a calm situation when kids
9 were being pushed into the vans, and other people were trying
10 to prevent them from being taken to SPECA. Do you think that
11 was calm?

12 A It was a slight struggle. However, it wasn't
13 necessarily pushed on by the authorities that were there. It
14 was other people that were trying to take the children.

15 THE COURT: The question is whether it's calm or
16 not.

17 Q BY MR. WEINERMAN: Was that calm when kids were being
18 pushed into the vans, and other people were trying to prevent
19 them from going? That's not calm, is it?

20 A Not as calm as is it was the majority of the time.

21 THE COURT: You are free to go. Thank you. Next
22 witness for the government.

23 MR. SWEET: The government calls SES XXXXXXXXXXXXXXX.

24 THE COURT: I am going to have you walk up to the
25 witness stands to my left. And if you step up next to the

1 chair, remain standing for just a moment, and if you raise
2 your right hand.

3 SES XXXXXXXXXXXXXXXX,

4 produced as a witness, having been first duly sworn, was
5 examined and testified as follows:

6 THE WITNESS: I swear.

7 THE COURT: You can have a seat, and I am going to
8 ask you to please state your full name for us, and if you
9 could spell your name.

10 THE WITNESS: In English or Khmer?

11 THE COURT: Do you speak some English, let me ask
12 you that first?

13 THE WITNESS: My name is SES XXX, I spell it
14 S-E-S-X, X-X-X-X-X.

15 THE COURT: So what I want you to do is listen to
16 the question. You are being asked questions in English, but
17 I want you to wait until you hear the translation. And
18 please answer in the personal first person.

19 THE WITNESS: Yes, sir.

20 THE INTERPRETER: Just one second, please.

21
22 (NOTE: Unless otherwise indicated, all answers
23 represented by "A" and "THE WITNESS" will be answers given by
24 the witness through the interpreter after translation.)
25

1 DIRECT EXAMINATION

2 BY MR. SWEET:

3 Q Good afternoon, Mr. SESX. And is your name SES XXX
4 XXXX?

5 A SES XXXXXXXX.

6 Q And do you have a brother, SS XXXXXXXX?

7 A Yes, I do.

8 Q And we have talked in this case about a Pastor Sopheak.
9 That's not you, is it?

10 A Yes. That is correct.

11 Q So because there are two Mr. SES X and two Sopheaks, do
12 you have a nickname?

13 A My nickname is SESX.

14 Q And do a lot of people at the orphanage call you SESX?

15 A At times they call me SESX, and at times they call me
16 SES XXX 1, or SES XXX 2, which means Small SES XXX.17 Q Is it okay if we call you SESX here, because of two
18 Sopheaks and two Mr. SES X?

19 A Yes, that's okay.

20 Q And what is your birthday, please?

21 A My date of birth is the XXXXX day, the month of the
22 XXXXXXX, in 1990.

23 Q So XXXXXXX, 1990?

24 A Yes.

25 Q And is that what is on your passport?

1 A Yes.

2 Q And just for clarification, were you told that you were
3 actually born in 1989, but it was hard to correct your ID, so
4 you stuck with 1990?

5 A Yes, like 1990.

6 Q Where were you born, please?

7 A I was born in the town of Salakob, in the small town of
8 Baray.

9 Q What country is that in?

10 A And in the province of Kom Pong Tong in Cambodia.

11 Q And do you have brothers and sisters?

12 A I have three -- no, four siblings. Four total, two boys
13 and two girls.

14 Q And are you the oldest, in the middle, the youngest?

15 A I am the second child.

16 Q Where did you grow up when you were young?

17 A When I was young, I lived until 13 or 14 years old in
18 the province of Kom Pong Tong, and I moved to live in Phenom
19 Penh around the age of 13 to 14 years old.

20 Q So Phenom Penh is a large city in Cambodia; is that
21 correct?

22 A Yes.

23 Q And did your whole family move to Phenom Penh?

24 A Yes, sir.

25 Q And why did you move to Phenom Penh?

1 A Because my family -- because my parents thought that
2 Phenom Penh has many people, and they can open a small
3 business.

4 Q Was your family doing well financially in the
5 countryside where you lived?

6 A Yeah. It's because they were not doing well in Kom Pong
7 Tong province, so that's why they had a different idea to
8 move to Phenom Penh, because there's lot of people, and they
9 can have something small to operate.

10 Q And, SESX, do you know Daniel Johnson?

11 A Yes, I know him.

12 Q And where did you first meet him?

13 A When I first met him, it was in the area that's called
14 the market, Tu Tow Bong market nearby there. Yes, Tu Tow
15 Bong market, because I was looking for a place to learn
16 English to speak. And at that time at his house, he was
17 opening a way to teach English, for kids to learn English.

18 Q Was that kind of a coffee house?

19 A Yeah. It's called Coffee House.

20 Q And so about how old were you when you met Daniel
21 Johnson?

22 A Maybe I was 15 or 16 years old. I am not certain.

23 Q And how did your meetings go? How did you two get to
24 know each other better?

25 A When I first meet him, it was just face-to-face. And we

1 got close, and we got to know each other better when I was
2 helping him with his coffee house activities of things to do.

3 Q What kind of help did you give?

4 THE INTERPRETER: Excuse me, Counsel?

5 Q BY MR. SWEET: What kind of help did you do at the
6 Coffee House?

7 A When I first went there just to go drink coffee, and go
8 visit, and watch TV, entertaining -- just, you know,
9 chit-chat.

10 Q And at some point, was there a discussion about
11 Mr. Johnson helping you with money for school?

12 A Yes. Yes. Yes.

13 Q Could you tell us what the arrangement was? What were
14 you going to do, and what was Mr. Johnson going to do?

15 A Yes. When I first meet him, we didn't have any
16 arrangement of anything yet. We didn't do anything yet. But
17 when I moved to, the Lake of Mango -- no, Guava, the Lake of
18 Guava. Yes, at that time we became really close, because my
19 house was also in that area of the Lake of Guava. Because he
20 likes me as a person, so I help clean his house, and he gave
21 me some, like a budget, a small budget of money, like
22 financial budget to help me go to school.

23 Q And I would like to show you a photograph that is going
24 to pop up on your screen to the left, Exhibit 271 please.

25 MR. SWEET: And, Your Honor, all the exhibits have

1 been discussed with counsel.

2 THE COURT: All right. You can publish them.

3 Q BY MR. SWEET: Do you recognize that location, SESX?

4 A Yes, I do know that, sir.

5 Q And it's kind of a two-part question. First, did you
6 ever live at this location?

7 A Yes, I recognize it, and I lived there, before.

8 Q But is the location that you first moved into with
9 Mr. Johnson actually before the one that is on the screen?

10 A Yes, it's different than this picture.

11 Q So for you, this is the second place you lived at with
12 Mr. Johnson; is that correct?

13 A Yes.

14 Q So just tell us briefly, what did you do at the first
15 place you moved into with Mr. Johnson? What was that like
16 for you?

17 A Initially, there was not much things to do, you know.
18 The first when I was living there, there's not much household
19 chores. There's only three to four people, including myself,
20 and I and the interpreter at the first house.

21 Q Who was the interpreter?

22 A Older Sophear.

23 Q Did you become friends with Mr. Johnson when you lived
24 at the first place?

25 A Yes, we became friends.

1 Q Now, let's talk about the picture that is up -- 271,
2 please, the image that's up on your screen. Do you know
3 about how old you were when you first moved into that
4 location?

5 A Maybe I was around 16 to 17 years old. I am not
6 absolutely certain.

7 Q Were there more boys at this location than at the first
8 one we just talked about?

9 A Yes.

10 Q Was this place more of a real orphanage?

11 A Yes.

12 Q And so just briefly, what did boys do there on a daily
13 basis?

14 A Some may go to schools, you know, they have their hours,
15 their schedule. Some go to school in the morning, some go to
16 school in the afternoon. And then the people -- those who
17 are at home, they do their chores, the things they have to do
18 at home. And other times I am not home throughout the day,
19 because I have my school schedule, also, and I am gone, going
20 to school.

21 Q Did the boys also learn English?

22 A Yes. There's some who pay attention to their education.
23 They do go to the English schools. And the other boys, who
24 are lazy, who doesn't -- they are not mindful of their
25 English education, they don't. And they just would rather

1 play instead.

2 Q What was your role in that house, please?

3 THE INTERPRETER: Your Honor, I would like to
4 clarify one word.

5 THE WITNESS: In the beginning, because I know
6 music, I would arrange and organize some for the coffee house
7 entertainment aspect.

8 Q BY MR. SWEET: And at this first orphanage here, did you
9 have a role or responsibility in that house?

10 A Yes.

11 Q Did your brother SS XX live there, as well?

12 A Yes, SS XX also lived there.

13 Q I am going to show you a few photographs, so we can see
14 if we're talking about the same people.

15 No. 3, please. Who is that, please?

16 A LS X.

17 Q No. 19, who is that?

18 A SO XXX.

19 Q No. 29, who is on the left, please?

20 A CC X.

21 Q No. 33?

22 A "ES XXX."

23 Q Does he also go by "ES XXX"?

24 A His real name is like ES XXXXXXXX, something like that.

25 Q And 57, please?

1 A LS XXXXXXXX.

2 Q 66?

3 A BT XXXX -- BT XXXX.

4 Q Does he have a nickname?

5 A His nickname is BT XX.

6 Q And 58, please?

7 A I and my younger sibling -- my younger sibling and I.

8 Q SESX, all together, about how long did you live with
9 Daniel Johnson from beginning to end?

10 A It's probably over greater than ten years.

11 Q How is your relationship with Mr. Johnson?

12 A Yes, it is good, because I count him as my sibling, like
13 an older brother or younger brother.

14 Q And how do you feel about Daniel Johnson?

15 A Now? Right now, or when I was living with him?

16 Q When you were living with him.

17 A When I was living with him, my feelings were --
18 everything is normal, nothing unusual, nothing -- it's just
19 regular feeling, because I was small. And other times, when
20 he would be angry at me or I feel disappointed in him, we
21 would have a little bit of a small conflict. Because I know
22 you live with each other in, like a family, there's always
23 going to be some kind of conflicts or impact with different
24 activities, situations.

25 And there are times in which he was vigilant in

1 giving us guidance, so we could be good people, so we could
2 become good. Because we are young, and we do a lot of things
3 that are, like, sometime not appropriate or wrong.

4 Q SESX, at location -- I am going to call that the
5 first -- the first real orphanage, I am going to call that
6 Location 1, okay? Where did the boys stay in Location 1?

7 A In the first location, it was divided into two separate
8 locations. The upper level and lower level.

9 Q Where did most boys stay?

10 A Mostly, they are on the bottom and some is on the top
11 level.

12 Q And where did Daniel Johnson stay?

13 A He lived -- he's in the room, he stayed in the room on
14 the lower level, close or nearby to the kitchen.

15 Q Did anyone else stay in his room -- did anyone else stay
16 in Daniel Johnson's room with him?

17 A Before I saw two of them, there were S0 XXX -- I am
18 sorry, there were -- originally there were BT XX, and then
19 actual S0 XXX that recently went to live with him in another
20 room, yes.

21 Q So did BT XX stay the most with Daniel Johnson at first?

22 A Yes, because BT XX -- because D likes BT XX, and BT XX
23 has a role, has a responsibility role.

24 THE INTERPRETER: And I am sorry, I just can't
25 remember the rest of what he said. May I clarify?

1 THE COURT: Yes.

2 THE WITNESS: So BT XX has his permission, because
3 he liked BT XX the most.

4 Q BY MR. SWEET: And once SO XXX came, did SO XXX sort of
5 replace BT XX in Mr. Johnson's room?

6 A I don't know what his intentions were. I just saw that
7 SO XXX was in his room, also.

8 Q And would BT XX and SO XXX spend the night in Daniel
9 Johnson's room?

10 A Yes, he slept in the room. Because in that one room I
11 saw BT XX and SO XXX slept over there, also.

12 Q Were there other boys that would go to Mr. Johnson's
13 room a lot?

14 A I see a lot -- mostly I see the boys going to his room,
15 they like going there. Because sometimes they want
16 something, or they need something. You must tell him in
17 advance that you are going to go in there, yes. And other
18 times if the boys needed something, and they wanted the older
19 siblings -- excuse me, the older kids in the orphanage, it's
20 hard for us to understand what they need. So we tell them to
21 go tell D himself.

22 Q So is the orphanage sort of divided into the younger
23 boys and then a group of older boys, more like you?

24 A Yes, however -- however, when we were living, we did as
25 one unit, one family, we combine the younger and older.

1 Q And SESX, did the boys give Mr. Johnson a massage a lot?

2 A Yes, I have seen a number of those kids that gave him
3 massage, and I am included.

4 Q And where would the boys usually give Daniel Johnson a
5 massage, like what room?

6 THE INTERPRETER: Your Honor, this is really
7 distracting to me. Can I put it down, please?

8 THE COURT: We need to be able to hear you.

9 THE INTERPRETER: I will put it right here. It's
10 really heavy and it hurts me.

11 THE WITNESS: They have been there.

12 THE INTERPRETER: Your question, Counsel, was where
13 was it?

14 THE WITNESS: In his room, in his room.

15 Q BY MR. SWEET: In Daniel Johnson's room?

16 A Yes, in his personal room.

17 Q And what boys did you see giving Daniel Johnson a
18 massage in his room?

19 A There's -- they would take turns, the different boys
20 that go in. Sometimes they need something for school, school
21 things, or other times they are lacking money for school. So
22 they would take turns to go -- so they would go in to take
23 turns to give him massages, so that way they could entice him
24 to give them the things they want when they ask him for the
25 things the boys want.

1 Q Was Daniel Johnson giving the boys money or rewards if
2 they gave him a massage?

3 A Yes, but we get our weekly allowance for -- money for
4 school and stuff. But if you want extra money, you can go in
5 and give a massage, and things like that, so you can get what
6 you want.

7 Q Where in the room would they give Daniel Johnson a
8 massage?

9 A It's in his bedroom on the lower level. There would be
10 nowhere but on his bed.

11 Q And did you also give him massages?

12 A Yes, I have done it before.

13 Q And was that also on his bed?

14 A Yes.

15 Q What would he be wearing when you would give him a
16 massage?

17 A When you giving a massage, typically you would have to
18 take off someone's shirt. And I don't think anything unusual
19 about that, because I am just giving him a massage.

20 Q SESX, is this hard for you to talk about?

21 A It's okay, sir.

22 Q SESX, did anything happen when you were giving Daniel
23 Johnson a massage?

24 A When I was massaging, D, you know, he, you know, he has
25 a way of playing, or jokingly teasing me. It's not in a

1 manner in which -- that I should be afraid of, or is
2 something that is to be taken seriously. It's just I thought
3 of it as okay, we're so close, we're intimately close. In
4 his manner of playing with me, he did touch, and I thought
5 it's not a big deal. He's joking and playing and I didn't
6 take it seriously.

7 Q Where did he touch you, SESX?

8 A He would take his hand and pinch and twist my thigh in a
9 joking manner.

10 Q So would he be lying on his bed facedown?

11 A Yes.

12 Q And when you were giving him a massage, were you on his
13 bed or next to his bed?

14 A I am on the bed, but my legs are on the side, like off
15 to the side of the bed.

16 Q So you are kneeling on the bed to the side of
17 Mr. Johnson?

18 A I am sitting here like this, and I massage like that
19 (indicating).

20 Q So he took his hand around, and let me ask you this:
21 What did you do when he put his hand on your thigh?

22 A I would be -- I would take his hand away.

23 Q And so he put his hands sometimes on your thigh; is that
24 correct?

25 A Yes.

1 Q And sometimes did his hand go over towards your penis or
2 your testicles?

3 MR. WEINERMAN: Objection; leading.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, but I never thought of it as
6 anything big or serious. I always think of it as in a manner
7 of teasing, kidding around. So however, every time he's
8 about to touch it, I would always be on guard to push it
9 away.

10 Q BY MR. SWEET: So would you be ready for the touching to
11 happen?

12 A No, I wouldn't be ready for him to touch it, not like
13 that.

14 Q I should say, were you wary of him touching you?

15 A No, I was not wary. I just think every time I would
16 give him a massage and he would take his hand and try to
17 touch it, I was just like, he's just kidding.

18 Q And was he touching you over your clothes or under your
19 clothes?

20 A He would touch me over my pants, but it would be beneath
21 my shirt, like on the thigh area.

22 Q I am trying to picture how your clothes -- so give me an
23 example. Would you be wearing a tee-shirt and shorts?

24 A Sometimes. I don't remember, because I am changing my
25 clothes all the time. I don't know if I am wearing shorts or

1 pants.

2 Q But his hand was not down your pants; is that correct?

3 A That is correct. He did not do that.

4 Q And did he touch over your shorts? Did he touch your
5 penis?

6 A Yeah. There were times when he actually touched my
7 penis, but I took his hand away.

8 Q Did you talk to Daniel Johnson about the touching? Did
9 you talk to him and say stop, or anything?

10 A I don't remember clearly whether I thought about
11 saying -- whether I did say or did not say it. But I just
12 thought to myself, well, if he keeps continuing to do that to
13 me, I am going to stop giving him massage.

14 Q And would he give you money after you gave him the
15 massages and he tried to touch you?

16 A Sometimes when I need to buy something or get something,
17 and I go in and give the massage and stuff like that for him,
18 he would know what I need and stuff, and I would get it.

19 Q And the first location with all the boys, did he touch
20 you there when you were giving him a massage?

21 A Touch me?

22 MR. SWEET: Sorry. Could you pull up 271, please.

23 Q BY MR. SWEET: Did Mr. Johnson touch your penis at this
24 location that's on the screen?

25 A Yes, in this location.

1 Q And 272 please. Did you live at this location?

2 A Yes, I lived there.

3 Q Did you give Mr. Johnson massages at this location?

4 A Yes, I did, the massage.

5 Q Did he also touch your penis at this location?

6 A In this location, I can't hardly remember all the
7 different times, because there's times I did massages for
8 him. Maybe he did, maybe he didn't, but I also had other
9 work to do. I had to go out of place and out of town. And
10 this location, yes, he did touch me some. But I don't
11 totally and clearly recall all of it.

12 Q So you don't recall how many times he touched you at
13 this location, 272?

14 A Yes.

15 Q What about 139, please? Did you live at this location?

16 A Yes, I have lived there.

17 Q And did you give Mr. Johnson massages there?

18 A Yes, at that house would be the least one. It's not too
19 frequently.

20 Q He didn't touch your penis too frequently at this
21 location?

22 A Yes.

23 Q How old were you about, SESX, the first time he touched
24 your penis?

25 A I don't remember 100 percent. Maybe I was 17 or 18.

1 Q And how old -- let me ask you this. This third
2 location, do you remember when you left this third location?
3 How old were you when you left it?

4 A 23 or 24 years old. But I am not sure -- I am not
5 certain 100 percent, sure. It's around that age.

6 Q And so -- and he still touched you when you lived at --
7 do you know how old you were when he last touched you at this
8 location, Location 3?

9 A Maybe I was around 20, 21, a little bit 22.

10 Q And SESX, did you talk to other boys about Mr. Johnson
11 touching during massages?

12 A Yes, I have talked to the other boys, but in a joking,
13 teasingly manner. Because we live as a family, we have to be
14 able to tease and joke around with each other about things.

15 Q And did you tell the other boys to be careful when
16 giving Mr. Johnson a massage?

17 MR. WEINERMAN: Objection; leading.

18 THE COURT: If you can restate it.

19 Q BY MR. SWEET: I can rephrase that. Is there anything
20 specific you told the boys about giving Mr. Johnson a
21 massage?

22 A Yes, I spoke about things that were specific, but in a
23 joking and teasing manner. And I never have the idea or the
24 thought of him doing something that was strange to those
25 boys, either.

1 Q Is "him" Mr. Johnson, Daniel Johnson?

2 A Yes.

3 Q Did you tease or joke with ES XXX about Daniel Johnson
4 touching?

5 A Yes, I did. I teased SO XXX, ES XXX, and with other
6 kids, other boys, many other kids, like the older ones, too.
7 The older one would be BT XX, yes, so we would kid around and
8 tease about it.

9 Q Did ES XXX say something to you? Did he tell you
10 something when you teased him?

11 A He didn't say anything at all to me, when I talk about
12 it. He was pretty shy and quiet. But one time when I was
13 teasing he did tell me something, but I never told anybody.

14 Q What is it that he told you?

15 A He did tell me that D play with his sex organ, but I
16 didn't take it seriously. I thought it was just, you know,
17 kidding manner.

18 Q So when you say D, is that Daniel Johnson?

19 A Yes.

20 Q So because there are a couple of "hes" in there, are you
21 saying that ES XXX told you that Daniel Johnson played with
22 ES XXX's penis?

23 A Yes. Yes. Yes.

24 Q And did you -- did SO XXX tell you anything about Daniel
25 Johnson and touching?

1 A Yes, I tried to say something. But it was in -- again,
2 once again, teasing, joking, kidding manner. But the way I
3 tease and joke was 50 percent truth and 50 percent, you know,
4 joking. And he did tell me once. Those are the only two
5 that I know is ES XXX and SO XXX, and nobody else.

6 Q And what did SO XXX tell you?

7 A He said I used to do it once --

8 THE INTERPRETER: I am sorry, Your Honor. I have to
9 ask for clarification.

10 THE COURT: That's okay. Go ahead.

11 THE WITNESS: He said he did things with him once,
12 but I did not ask him to elaborate further.

13 Q BY MR. SWEET: Did SO XXX tell you that Daniel sucked
14 his penis?

15 MR. WEINERMAN: Objection; leading.

16 THE COURT: I will allow him to lead.
17 Go ahead.

18 THE WITNESS: I am not certain. But I just know
19 that he said that he was with D in a sexual way. In what
20 sexual manner, I do not know. However, ES XXX said that D
21 sucked him once.

22 Q BY MR. SWEET: Did you tell anyone else what SO XXX told
23 you about being with D sexually?

24 A Never. I never did. I never told anyone at all.

25 Q Did SO XXX -- did or did not SO XXX ask you to tell

1 anyone?

2 A S0 XXX told me -- S0 XXX asked me not to tell anyone.

3 Q SESX, you said you were 50 percent joking and 50 percent
4 serious when you would talk with the boys about touching.
5 Did I understand that right?

6 A Yes. Yes, you know, in the manner of joking, comedy,
7 with them. Yes. I don't think too much in terms of
8 seriousness towards what D did. But every time I would give
9 him a massage and he would touch me, so I would be mindful to
10 remind the kids and using that, my own personal example, just
11 to -- but in the -- mostly with the meaning of teasing.

12 Q Were you also warning the other boys to be careful?

13 MR. WEINERMAN: Objection; asked and answered.

14 THE COURT: Let's have it clarified one more time,
15 but we have covered this area.

16 Go ahead, please.

17 THE WITNESS: Yes, I would often say when you go
18 give him a massage, be on guard. However, when I said that,
19 it was in manner of teasing them. Not in a serious manner
20 when I said it to them.

21 Q BY MR. SWEET: SESX, do you remember which house ES XXX
22 told you about being with Daniel sexually?

23 A I cannot remember it all. But perhaps it's either the
24 first house or the second house.

25 Q Do you remember what house S0 XXX told you about being

1 with Mr. Johnson sexually?

2 A SO XXX, perhaps either the third house -- the second or
3 the third house. Perhaps, it's the second or the third
4 house, because it's been so long. It's been so many years
5 ago.

6 Q And was that before Mr. Johnson was arrested?

7 A Yes.

8 Q SESX, in the last week you, me, and the FBI met and
9 talked; is that right?

10 A Yes.

11 Q And did you talk with the FBI agent, his name was Bill?
12 Do you remember him?

13 A Yes, I remember him.

14 Q SESX, after we talked, did Bill take you back to the
15 hotel, FBI Bill?

16 A Yes.

17 Q And SESX, did you ask Bill if after this case is over,
18 if the government could help you with some money so you can
19 get kind of a tuk tuk, like a motorcycle with a cart behind
20 it?

21 A Yes, I did ask him about that, because right now my
22 situation is very, very poor, or weak. And the reason why I
23 even thought about asking is because I have not worked at all
24 for six, seven months already this year. And my wife is
25 pregnant, and she's about to give birth and I have no work,

1 no job. This is just a request, because I really want to
2 have my own way of -- my own business, or my own way of
3 providing sustenance for my family.

4 This requires that I ask. I never mentioned it in
5 Cambodia. It was just in the last two weeks, because of the
6 situation, that's why I thought about asking.

7 Q So SESX, do you understand that the government can't
8 help you get a tuk tuk?

9 A I didn't understand. That was just my request. I did
10 not know that.

11 Q But do you understand now?

12 A Yes. Yes, I understand. It's okay. It's all right.

13 Q So do you understand that while you get -- all
14 witnesses -- all witnesses get money for living expenses and
15 witness fees, not the defense, not the government, no one can
16 give you money for a tuk tuk. Do you understand?

17 A Yes, I understand. It's okay, sir.

18 Q SESX, given that Mr. Johnson had touched your penis, and
19 what ES XXX and SO XXX had said, did you think about telling
20 an adult or calling the police?

21 A I did not tell, because sometimes I thought of it as
22 it's just his way of horsing around. And however, at that
23 time when ES XXX and SO XXX told me about each of their
24 incidents, I never thought about telling anyone.

25 Q And did Daniel Johnson hear you joking one time about

1 him touching --

2 MR. WEINERMAN: Objection; leading.

3 THE COURT: I think it's the easiest way to get
4 through the idea. I will allow some leading, because we're
5 going through the translator.

6 But understand, folks, the question itself is not
7 testimony, but he can answer.

8 THE INTERPRETER: Could you please repeat the
9 question?

10 Q BY MR. SWEET: Yes. Was there a time when Daniel
11 Johnson heard you joking with other boys about him touching?

12 A He never hurt us, but there's times when he saw us
13 playing around with the kids. Yes, he seen us touching each
14 other, like with the adults to the adults. So he seen that.
15 And he put a rule in the house, house rule that said --

16 MR. WEINERMAN: Can he finish his answer, Judge?

17 THE COURT: Go ahead.

18 THE WITNESS: So he made a rule, because he saw the
19 adults, the older boys touch each other, he made a rule in
20 the house that you cannot touch each other in those areas, or
21 you are going to be punished.

22 Q BY MR. SWEET: Did Daniel Johnson get very angry with
23 you one time when he heard you joking with the boys?

24 A I would -- may I request -- I would like to request not
25 to answer that question, because I do not remember clearly.

1 There's times in which he would see me, or not see me, or
2 hear me -- or not. I would ask not to answer that question.

3 MR. SWEET: I have three more questions, and then I
4 will wrap up.

5 THE COURT: Okay.

6 Q BY MR. SWEET: Had you left the orphanage before
7 Mr. Johnson was arrested?

8 A Yes.

9 Q And is the first time you talked to the police or the
10 FBI about Mr. Johnson and touching, was the first time about
11 two months ago in Phenom Penh?

12 A Yes.

13 Q And did the FBI call you, or did you call the FBI?

14 A The FBI called me.

15 Q SESX, how do you feel about Daniel Johnson today?

16 MR. WEINERMAN: Asked and answered.

17 THE COURT: Go ahead. He answered in the past, but
18 not today.

19 MR. WEINERMAN: Objection; relevancy.

20 THE COURT: Overruled. It goes to bias.

21 THE WITNESS: With my own feelings, I still love him
22 from the time I lived with him until now, because I -- I
23 treat him and think of him as my own sibling, my older
24 brother, younger brother. And we know that he tried really
25 hard to help all of us, much help.

1 Even within my own family, he has helped me
2 personally. I will always -- I will always think of him -- I
3 always remember that he's a good person to me and for me.
4 And I will always remember him, and I will always love him
5 forever.

6 MR. SWEET: Your Honor, we would ask that SESX's
7 passport, Exhibit 226, be admitted.

8 (EXHIBIT 226 OFFERED.)

9 THE COURT: Any objection?

10 MR. WEINERMAN: No.

11 THE COURT: Exhibit 226 will be admitted.

12 (EXHIBIT 226 RECEIVED.)

13 THE COURT: Sir, I will have to have you come back
14 tomorrow morning at 9:00. And Mr. Johnson's attorneys may
15 have some questions for you. You are free to step down now.

16 THE WITNESS: Yes, sir.

17 THE COURT: With that, folks, we have gone a little
18 late tonight. I appreciate your patience. I know our
19 schedule is a little off today. If you want to come a few
20 minutes early tomorrow, my staff will be providing you with
21 bagels and fruit and juice and coffee. So please feel free
22 to come early if you are hungry.

23 Otherwise, again, on behalf of all the parties, we
24 want to thank you for all of your attention today. It's a
25 lot of work to pay attention for this long. You are doing a

1 great job. We will see you tomorrow morning at 9:00.

2 (JURY OUT.)

3 THE COURT: Anything we need to discuss?

4 MR. SINHA: Not for the government.

5 THE COURT: I will let both sides know, just so you
6 know, I have been trying a lot of cases in Federal Court.
7 And I have been very frustrated with the level of
8 preparedness, the ability to articulate and organize in front
9 of a jury. And I have to say, both sides, I am going to say
10 this before you get tired as we go into next week, before you
11 get frustrated with the case -- you are doing a fantastic
12 job, and I am very proud of the work you are presenting.

13 See you tomorrow at 9:00.

14 (Proceedings concluded at 5:25 p.m.)

1 STATE OF OREGON)

2) ss

3 COUNTY OF YAMHILL)

4
5 I, Deborah L. Cook, RPR, Certified Shorthand
6 Reporter in and for the State of Oregon, hereby certify that
7 at said time and place I reported in stenotype all testimony
8 adduced and other oral proceedings had in the foregoing
9 hearing; that thereafter my notes were transcribed by
10 computer-aided transcription by me personally; and that the
11 foregoing transcript contains a full, true and correct record
12 of such testimony adduced and other oral proceedings had, and
13 of the whole thereof.

14 Witness my hand and seal at Dundee, Oregon, this
15 3rd day of May, 2018.

16
17 /s/ Deborah L. Cook

18 _____
19 DEBORAH L. COOK, RPR
20 Certified Shorthand Reporter
21 OREGON CSR #04-0389
22 CALIFORNIA CSR #12886
23 WASHINGTON CSR #2992
24
25